

**Thursday 5 July 2018**

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

## **QUESTIONS**

### **GST - Method of Distribution**

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

[10.02 a.m.]

Maintaining the current GST formula locks in Tasmania's future prosperity. Anything less than that is, as you know, second best. Today the federal government has commenced an attack on this system and the principles it supports. In 2014, you said -

We will continue to vigorously oppose any changes to horizontal fiscal equalisation. It is a vital attribute and characteristic of our federal financial relations. It provides fairness and ensures that all Australians, no matter where they live, can access reasonable standards of essential public services.

Do you stand by your full commitment to oppose any change?

## **ANSWER**

Madam Speaker, I thank the member for the question. Yes, I can rule out again, as I always do, any change to the GST that will disadvantage our state. We will not accept any change that disadvantages Tasmania. On face value, the proposal before us will do no such thing. As most Tasmanians would expect us to do, we are determined to ensure we run a fine-tooth comb over what has been proposed. We will consider any proposal that can advantage Tasmania. The Leader of the Opposition, by virtue of her question, would suggest we should do no such thing. This shows it is all about politics and political games and not about delivering positive outcomes for our state.

It shows why members opposite are simply not up to the job. They could not produce their own alternative budget. Now they cannot be bothered to do anything other than say we should not even consider something that might advantage our state. It is beyond belief, but perhaps not when you consider the fiscal incompetence of members opposite, who cannot produce a budget of their own and whose own election policies were completely and utterly undermined by an appalling fiscal strategy that did not stack up. They now expect us to ignore or deny the opportunity to look at a model that will preserve horizontal fiscal equalisation, build the pool, and advantage our state by an estimated \$112 million. Yet, Ms White wants us to knock it back and not look at something we could do to substantially improve the health services, the education services, the infrastructure investment, which we and the Commonwealth are doing. Tasmanians expect more than the typical puerile politics of an Opposition party too lazy to develop its own alternative budget and with nothing better to do than throw rocks at ours.

### **GST - Method of Distribution**

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

[10.05 a.m.]

How much GST will Tasmania receive under the new arrangements in the first year they are proposed to take effect, 2021-22?

## **ANSWER**

Madam Speaker, it is \$17 million. As we have outlined in our Budget, it is anticipated GST receipts will go up over the course of the forward Estimates. The transition to the HFE system over eight years and -

**Ms WHITE** - Point of order, Madam Speaker, for clarification.

**Madam SPEAKER** - I think it is going to be standing order 45.

**Ms WHITE** - This is an important issue. The question I asked was not about the additional GST but the total GST Tasmania would receive under the new model in 2021-22. I ask you to draw the Premier's attention to it. It was a simple, straightforward question in keeping with previous rulings of this House.

**Madam SPEAKER** - I will uphold that. I draw the Premier's attention to keeping it relevant.

**Mr HODGMAN** - Thank you. The additional element I referred to was \$2.7 billion. Our commitment is to ensure we will run the ruler over what is proposed. We accept that the modelling adopted by the Commonwealth via the Productivity Commission report reflects an added benefit to our state. It is unusual that the opposition parties, as puerile as they seem to be, would suggest we would not even look at a model that could advantage our state. They seem to suggest we do not use the coming weeks and months, as proposed by all treasurers and the Commonwealth, to look at a new model that could advantage our state, grow the GST pie and support more funds coming into our schools and hospitals, and into the infrastructure our state needs. We have fiscal incompetence sitting opposite and we have the same sitting opposite in the Commonwealth parliament. Bill Shorten's fiscal credibility has been exposed over the last week or so with his captain's call on tax. We can see how appalling that policy would be for our state. We can see how little care and effort Labor politicians put into our state's finances.

When we talk about fiscal credibility, Tasmanians should remember what they left us - \$1 billion in deficits and net debt approaching \$400 million. We have turned that around. We have obtained more investment from the federal government, which includes \$1 billion in this year's Budget, into infrastructure and other supports for Tasmania. We have now secured an outcome whereby any model proposed by the Commonwealth will not disadvantage Tasmania by one cent. That is what this model, on the face of it, does.

**Ms White** - You cannot even answer the question.

**Mr HODGMAN** - When it comes to fiscal confidence, you should not be lecturing anyone.

**Members** interjecting.

**Madam SPEAKER** - Order. Thank you, Premier, and I ask the House to conduct themselves with decorum and parliamentary dignity.

## **Dover Woodchip Port**

### **Dr WOODRUFF question to MINISTER for RESOURCES, Mr BARNETT**

[10.09 a.m.]

Your office told us that you and your agency of Forestry Tasmania, so-called Sustainable Timber Tasmania, has not had involvement in the Dover woodchip port other than in a signed agreement to lease the proposed site at Strathblane. Correspondence from Forestry Tasmania obtained under right to information shows there has been regular contact on other matters with the proponent about this leaked DA for the project since August last year. Did you direct your office to tell an untruth about the Government's involvement in pushing this project?

### **ANSWER**

Madam Speaker, I thank the member for her question. I reject the outrageous slur that she has made against my reputation and that of the Government.

I confirm, it is not Forestry Tasmania anymore. It is Sustainable Timber Tasmania. To make it very clear, as a government we have been strongly in support of our productive industries, whether it be our salmon industry, our forest industry, our primary industry or our tourism industry. We do not pick winners. We are backing them all the way.

Let us make it clear: we support jobs, growth and development wherever it is. In the south of the state -

**Members** interjecting.

**Madam SPEAKER** - Order.

**Mr BARNETT** - This is a result of the land locking by the Triabunna chip mill and the port that with \$25 million of taxpayers' money, where the former Labor-Greens government aided and abetted the locking up of that resource in the south of the state. We have been cleaning up the mess because you are a part of a party who wants to put thousands of Tasmanians out of jobs by banning native forest harvesting across the state. You want to kill off Sustainable Timber Tasmania. We know the motivation of the Greens. You want to abolish Sustainable Timber Tasmania and all those jobs would be gone.

**Members** interjecting.

**Madam SPEAKER** - Order.

**Mr BARNETT** - We continue to work with the forest industry. With respect to -

**Ms O'Connor** - We are talking about James Neville-Smith.

**Madam SPEAKER** - Order. I wish to hear the answer, just like everyone else in the Chamber. Please proceed.

**Mr BARNETT** - Thank you, Madam Speaker.

With respect to James Neville-Smith and the slurs that were aimed at him during Estimates, I rejected them then. Those slurs were unfounded and unfair.

This is part of the private sector. They are putting forward proposals and opportunities. We encourage the private sector. This is what helps the world go around. Small businesses, medium businesses, and larger businesses are helping create jobs, growth and development in the state.

**Dr Woodruff** - It is a lie. It is all here. There is so much more information.

**Madam SPEAKER** - Dr Woodruff, I have to give you an official warning. I am really trying to hold onto my reputation of getting through this first session of parliament without throwing anyone out. Please help me.

**Dr WOODRUFF** - Madam Speaker, point of order. It is a very important point of order. It was a very serious question, a serious allegation. We respectfully ask the minister to answer.

**Madam SPEAKER** - Dr Woodruff, I ask you to take your seat. I am ruling against that. We are trying to get a very important answer to your very important question. I do not know what the minister is about to say but I suggest he winds up soon.

**Mr BARNETT** - Thank you, Madam Speaker. I agree with that understanding. The member for the Greens comes from a policy position where she wants to kill off the native forest harvesting industry in Tasmania. That would put thousands of Tasmanians and their families out of work. They would all be affected. You want to abolish Sustainable Timber Tasmania. It is a disgrace.

We continue to support the private sector. They have put forward a proposal. We will continue to engage with all the key industries and productive industries, whether it be forestry, salmon, the tourism industry, or the like.

**Dr Woodruff** - Did they lie? Or is it true?

**Mr BARNETT** - I reject those allegations that have been put forward by the member for Franklin. They are a disgrace.

## **GST - Method of Distribution**

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

[10.14 a.m.]

I will ask you again: in the first year that changes to the GST are proposed to take effect in 2021-22, how much GST in total will Tasmania receive under the new arrangements?

**ANSWER**

Madam Speaker, clearly members opposite do not understand finances. They do not listen. I have previously advised that in the 2021-22 year, the estimate is \$17 million.

**Members interjecting.**

**Madam SPEAKER** - Order. Please behave.

### **GST - Method of Distribution**

**Mr BROOKS question to TREASURER, Mr GUTWEIN**

[10.15 a.m.]

Could the Treasurer please update the House on the federal government's GST proposal that has been released today?

**ANSWER**

Madam Speaker, I thank the member for Braddon, Mr Brooks, for his question and his interest in what is a very important matter.

How disappointed you must be. You are swinging in the breeze. Let me make something perfectly clear: we have not signed up to any agreement. We will not sign up to any agreement unless we can be absolutely certain it is in Tasmania's best interests. What the federal government has proposed today is the beginning of a conversation, not the end. It is a conversation where we start from the Prime Minister's commitment that we will not be one dollar worse off, not one cent worse off. The proposal before us indicates that we will be significantly better off.

First, let me explain that the proposal from the federal government contains a number of important -

**Ms O'BYRNE** - Point of order, Madam Speaker. I believe the Treasurer may have misled either the House or the Tasmanian people. He has just said they have not signed up to anything. The Tasmanian Liberals' Facebook page today says that they have secured the share of the GST, with an additional \$112 million. Have you agreed to the model or not?

**Mr FERGUSON** - On the point of order: that is the most mischievous point of order. It is not a point of order at all. It is purely disorderly. I ask you to rule it out.

**Ms O'BYRNE** - Madam Speaker, on the commentary on my point of order, misleading this House is a very serious thing to do. To say one thing in the public and another in this House is dishonest. If the Treasurer has inadvertently spoken, he can perhaps correct it.

**Madam SPEAKER** - Thank you for that point of order. I do not believe the word 'secure' is signing up. At this stage, I am going to ask the Treasurer to resume.

**Mr GUTWEIN** - I make the point, and as I have said, complaining is not a policy, whingeing is not a platform. That is all you have.

Let me provide some detail of what we are considering. First, the federal government proposal contains a number of important elements. It retains horizontal fiscal equalisation. Second, the proposal boosts the GST pool, not just in the short term, but in perpetuity. This advantages all the states. On face value, they would receive a higher distribution.

**Members** interjecting.

**Madam SPEAKER** - Order. I am all for robust and passionate debate, and I have incredible tolerance, but we are getting very unruly.

**Mr GUTWEIN** - Madam Speaker, they have worked themselves into a lather this morning.

We have a proposal in front of us that indicates that Tasmania in 2021-22 would be \$17 million better off. That is 174 nurses -

**Ms White** - You don't know the total, do you?

**Mr GUTWEIN** - Have a look at what is in the Budget. This is more than what is in the Budget. I know that they will bleat and they will whinge. As I said when I began, they began the week suggesting doomsday scenarios. A disastrous outcome. You are no longer a political party. You are some form of doomsday cult.

What we have clearly said is that we have a proposal in front of us that we will very carefully consider. It demonstrates that we will be \$112 million better off over 2026-27 and be better off every year in perpetuity because the Commonwealth Government is going to supplement the GST pool for the betterment of all states and territories. They are going to grow the pool and therefore every state and territory will get an improved share.

**Ms O'CONNOR** - Point of order, Madam Speaker, under standing order 48, sufficient time. The minister has been speaking for five minutes now on a Dorothy Dixier and I ask you to draw his attention to the time he is wasting on the taxpayer's coin.

**Madam SPEAKER** - Treasurer, I ask you to wind up, please.

**Mr GUTWEIN** - I make the point that there have been a number of interjections from the other side, including inane points of order. We have a proposal in front of us that indicates that Tasmania could be materially better off, but they do not want us to investigate that. They want to say, in the interests of politics, 'We will not look at that'. We will not fall into that trap. We are not a doomsday cult on this side of the House like they are.

### **GST - Method of Distribution**

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

[10.21 a.m.]

In the past you have vocally opposed any change to the GST distribution system, particularly changes designed primarily to suit Western Australia. Your Government mounted a vocal opposition to transition arrangements and compensation payments, also known as top-up payments, during the Productivity Commission's public hearings in Tasmania only a few short months ago. To remind you, your Treasurer said:

With the transition part what you are talking about is the boiling frog ... what you will simply do is entrench the relative disadvantage and the difference between ourselves and the larger states. That's simply not fair. That's simply not reasonable. That's why from the point of view of the state we don't want to

discuss and we will fight a transition path on any terms, because it simply entrenches that relative disadvantage. It just takes a little longer to do it.

Do you remain of that view, or are you happy to see Tasmania boil like a frog in a pot?

#### **ANSWER**

Madam Speaker, I thank the Leader for her question. We will certainly not do anything to disadvantage our state, nor will we sign up to any proposal that does so. What has happened here is that the Commonwealth has shown some leadership and developed a model which will develop and increase the GST pool over time, meaning a bigger pie and a bigger share for all states, and that includes Tasmania. That is what the proposal does. I am not inclined to take the Leader of the Opposition's advice on fiscal matters generally or at all, and certainly not when she is now saying we should do something to disadvantage Tasmania, or we should just ignore a proposal that might better support our schools, our hospitals, our roads, our infrastructure investments - and that is exactly what we are inclined to do.

**Members** interjecting.

**Mr HODGMAN** - It is like playtime on the last day of school and they are behaving like grade sixers who are excited to get out of here after a bit of name-calling, a bit of mud-slinging and worse still, an exposure again of their fiscal incompetence, lack of leadership and lack of an ability to secure a good outcome for Tasmania, or in this case to even consider it. We certainly stand -

**Members** interjecting.

**Madam SPEAKER** - Unless there is going to be order in this House, I am going to be up and down like a yoyo but that will not harm me - or I might throw myself out, because it is really painful trying to listen to this.

**Mr HODGMAN** - Thank you, Madam Speaker. The point the Opposition is deliberately ignoring or simply do not get is that under this proposal the state's share will continue to increase with an increased share of the GST into perpetuity. That is what this proposal is about. Yes, it is certainly a model that we are prepared to consider and analyse, and the Department of Treasury and Finance will do that over the coming months, but it is about increasing the share of the GST, the pool or the pie, that is available to states. If Tasmania can get a bigger share of the pie, then why wouldn't we?

#### **Dover Woodchip Port**

#### **Dr WOODRUFF question to PREMIER, Mr HODGMAN**

[10.25 a.m.]

You and your ministers have consistently said there is no state government involvement in the private Dover woodchip export development proposal and it is a matter for the Huon Valley Council to determine. Our RTI and the leaked development application shows your Government has been involved in discussions around incursions on the World Heritage Area, an MOU with Parks about intense B-double truck traffic to the extent of one every five minutes through the Esperance Conservation Area, the construction of two new roads with plans to widen four more, and that

ministers have been deliberately misleading about the extent of their involvement when questioned. It appears your Government is up to its neck in doing everything it can to grease the wheels of this private forestry port. Can you justify that untruth to the people of Tasmania and to your own electorate of Franklin?

## **ANSWER**

Madam Speaker, I utterly reject all the assertions made by the member who asked the question. It is a classic Greens question littered with mistruths to make a political point. It is hardly a state secret that the state invited expressions of interest to the private sector to solve a problem you had left us by deliberately ensuring the shutdown of an important piece of Tasmania's forest infrastructure at Triabunna. You celebrated long and hard over it and were aided and abetted by a willing and compliant Labor Party at the time. As a result we have had an issue with residues from the Southern Forests that need to go somewhere. As Liberal governments will often do, we looked to partner to support private investment that delivers good public policy outcomes, and we asked for expressions of interest for that to occur.

We are a government that supports our industry sectors, whether it be forestry, salmon, or our tourism industry. We certainly do not pick winners but we will support and assist those who want to not only deliver good public policy outcomes for our state but also see the continued growth and investment in important industries like forestry that support jobs and regional development, and we will continue to do so. We will engage with industries. We are not afraid to partner with the private sector when it can deliver positive outcomes for Tasmania, but we will not subvert the planning processes, as you claim.

**Dr Woodruff** interjecting.

**Madam SPEAKER** - Order. Dr, Woodruff, you are warned.

**Mr HODGMAN** - We will not interfere with the responsibility of local governments to discharge their duties as planning approvals authorities. We will not compromise those processes but if we can support sustainable development in a range of industry sectors including forestry then we will.

## **Battery of the Nation Project**

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

[10.28 a.m.]

Can the minister please inform the House on the significance of the recent major energy announcements on the Battery of the Nation project and second Bass Strait interconnector to regional Tasmania and the north-west in particular?

**Members** interjecting.

**Madam SPEAKER** - Order. Mr Bacon and Mr O'Byrne, you are on my watch.

## **ANSWER**

Madam Speaker, as the Premier recently stated, Tasmania has established itself as the nation's renewable energy powerhouse and now we have the opportunity to take our potential to the next

level. Last month a range of exciting initiatives were announced which could unlock Tasmania's nation-leading potential in renewable energy. As part of the Battery of the Nation project, 14 high-potential pumped energy storage sites have been identified across Hydro's catchment, with a focus on the north-west coast of Tasmania. Combined, they could deliver up to 4800 megawatts. The next step is to narrow that down to a set of prime sites to deliver 2500 megawatts, which would double the hydro capacity for Tasmania. When you complement that with new interconnection across Bass Strait, the Battery of the Nation becomes a nation-building infrastructure -

**Ms O'Connor** - What new interconnection?

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

**Mr BARNETT** - It becomes a nation-building infrastructure project as described by Josh Frydenberg, my federal colleague and friend, the federal Minister for Energy. As more coal-fired power stations are retired and more intermittent renewables such as wind and solar enter the market, there is a need for reliable, dispatchable, new base load and that is required in this new world we are approaching. That is where Tasmania can step up.

The Battery of the Nation project has the potential to create 3000 jobs and \$5 billion worth of investment over that 10-year to 15-year period. It is exciting. This incredible leap forward promises to underpin an era in industrial development similar to the magnitude of the hydro-industrialisation of the last century. It is becoming clear from the studies undertaken by Hydro Tasmania and the Australian Renewable Energy Agency, this is where you have the state government shoulder to shoulder with the federal government, that the north-west of the Tasmania will be a major beneficiary under the Battery of the Nation.

Last month I joined the Premier, the federal minister Josh Frydenberg, and Brett Whiteley, the federal Liberal candidate for Braddon, for the announcement at Lake Cethana. Brett Whiteley has been a strong supporter of further interconnection and pumped hydro. Lake Cethana is on the Mersey-Forth hydro catchment and contains a number of the sites identified for pumped hydro, including some of the most prospective. There are other sites on the west coast, central highlands and the southern highlands.

When approved, the Battery of the Nation would transform Tasmania, particularly regional Tasmania. In June this year, a second report was released; ARENA, Hydro Tasmania, federal and state Governments working together. That report says we can deliver the lowest energy costs in the nation and that includes the cost of further Bass Strait interconnection. This is consistent with our Tasmania-First Energy Policy to deliver the lowest regulated power prices by 2020-22, fully self-sufficient and fully renewable. We know it is a national priority because it has been stated already.

Tasmania's geography, Tasmania's topography and the location of our existing hydro assets makes our state strategically placed to deliver low cost, 100 per cent renewable, dispatchable energy. That is why over coming months, together with Hydro Tasmania, I will be visiting local communities to explain how renewable energy developments, such as pumped hydro, will benefit them and gain their feedback.

**Madam SPEAKER** - You are approaching time, minister.

**Mr BARNETT** - Yes, I will conclude, Madam Speaker. It is total surprise why my Greens colleagues would not be excited and supportive of this project when, during budget Estimates last

week, Dr Woodruff blurted out that this was nothing more than a goose chase. Shame on the Greens. I urge all members of parliament to back these projects, the Tasmania-First Energy Policy, the federal and state governments, put aside their politics and support this effort to underpin the prosperity for future generations of Tasmanians.

### **GST - Method of Distribution**

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

[10.33 a.m.]

You know the amount Tasmania received under future GST distributions will be at the mercy of the federal government of the day because it relies on top-ups as compensation. You know Tasmania will be held to ransom if our state has differing views from the federal government of the day. Last week, as an example, Treasurer Scott Morrison threatened states that ban fracking with their GST share, a threat he repeated today on radio. Tasmania has a moratorium on fracking. Are you prepared to sign onto this deal in the full knowledge that Tasmania's fair share of GST could be held to ransom if you do not agree with any given Commonwealth government policy?

#### **ANSWER**

Madam Speaker, I thank the Leader for the question. We are not prepared to sign onto any agreement unless it is in our state's best interests. We are not inclined to sign onto any agreement that would seek to bind the state as the Leader suggests and, as the federal Treasurer today has ruled out, will not happen. The estimates are that our GST receipts will, over time and into perpetuity, continue to increase. We are talking about more money for our state, into our schools, into our hospitals, into our infrastructure; repairing the cuts that happened under the Labor-Greens government. We will do what we can to gain a better deal for our state.

**Ms O'Byrne** - You have signed up, haven't you?

**Mr O'Byrne** - You have signed up, haven't you?

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

**Mr HODGMAN** - This is a proposal we will give sensible consideration to. Common sense is not something we are seeing from members opposite. It is puerile political playtime. Tasmanians expect their leaders to look at what we can do to better secure outcomes for our state. That is what we are paid to do. That is our job. It is our track record, we have delivered in the past and Tasmanians can trust us to deliver again.

The alternative is a party that offers no alternative budget of its own, has no financial credibility, and has its own federal leader talking about a model that will only advantage Western Australia and not Tasmania. Members opposite have not taken the time to call Bill Shorten and tell him to take a different approach, like he did with his other captain's call. If you were that serious about this issue, why have you not called Bill Shorten and told him his model will hurt our state and you are opposed to it?

I have said repeatedly, and my record shows, I will fight any government anywhere to ensure that Tasmania's fair share of the GST is maintained. The Leader of the Opposition, when her

counterpart proposes something that will damage Tasmania, has not even spoken to him about it. She will not see him about it when he is in our own state. She could not take the time to see Bill. Labor cannot be trusted. We have seen in the last week, federally, they are fiscally irresponsible. They will make policy decisions on the run under captain Bill and it will damage Tasmanian businesses. Now we have the most bizarre of situations: a model that could possibly benefit our state is being proposed and Labor is suggesting we should not look at it. That is ridiculous.

### **Rural and Regional Tasmania - Support**

**Mr BROOKS question to MINISTER for PRIMARY INDUSTRIES and WATER,  
Ms COURTNEY**

[10.37 a.m.]

Can you outline how the Hodgman majority Liberal Government is working with our federal counterparts to support rural and regional Tasmania?

### **ANSWER**

Madam Speaker, I thank the member for his question. The member knows there is no bigger supporter of rural and regional Tasmania than a majority Liberal Government, strongly supported by a federal Coalition government. Our two governments have a record of working together to support our farmers and fishers, from helping our oyster industry recover from POMS, supporting farming families through drought, dairy and flood challenges to concessional loan schemes. The Tasmanian Freight Equalisation Scheme, extended in 2016 and estimated to be worth \$203 million over four years, continues to help grow Tasmanian businesses.

This cooperation was evident in the Commonwealth Government delivering a \$20 million boost to Tasmania's biosecurity efforts. The Biosecurity Emergency Response and Research Fund is assisting to meet the costs of the current fruit fly eradication program and to understand future biosecurity and disease risks in order to maintain the state's pest-free area status. Some \$5.6 million from the fund is delivering increased inspection services and a specialist fruit fly adviser, improved industry advice and community engagement, with funding to enable a line of sterile adult flies to be made available to Tasmania, if required, and support for the grower assistance package above and beyond the \$2 million already committed.

It was only the Liberal and Coalition governments working together that delivered Irrigation Tranche 2; Commonwealth funding of \$85 million matched with our own \$50 million and investment of farmers to deliver five additional irrigation schemes. I recently had the chance to join Brett Whiteley, Liberal candidate for Braddon, to view the construction of the \$30 million Duck Irrigation Scheme, which will provide 5200 megalitres of high-surety irrigation water to the greater Smithton region. This scheme, long championed by Brett, will further boost the local north-west economy, growing jobs and agribusiness through dairy and livestock finishing, potatoes, poppies, and fresh vegetable production. Looking ahead, I am very confident that we will have a strong business case for the federal funding on top of Tasmania's \$70 million commitment for tranche 3 of the Pipeline to Prosperity program, with more potential schemes proposed for our productive north-west.

Another example of the federal government working with us to support rural and regional Tasmania is through the joint effort to help our state's farmers recover from the devastating 2016

floods. On top of the \$4 million commitment to the Agricultural Landscape Rehabilitation Scheme by the Tasmanian Government, more than \$3.3 million in assistance has been paid to landholders under the National Disaster Relief and Recovery Arrangements. This includes transport subsidies, primary producer clean-up grants and concessional loans. The results of the additional \$2.15 million delivered through the NDRRA for on-ground river works of the devastated Mersey-Dasher catchment are also now taking shape. Furthermore, across the combined response, over 180 landholders received financial assistance for repair work and technical advice was provided to 230 landholders.

These commitments clearly demonstrate the Tasmanian and federal governments' cooperation is delivering for agriculture across the state and no more so than in the primary production area of the north-west region.

### **GST - Method of Distribution**

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

[10.41 a.m.]

The only reason we are under threat to change the GST carve-up is to fix a mess that Western Australia created for itself. Scott Morrison's plan is a deal for Western Australia orchestrated by Cabinet that contains four ministers from that state and not one from Tasmania. If you have committed to putting Tasmania first, why are you selling out our state in favour of a plan that by its very design puts Western Australia first?

#### **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for her question. Again she is wrong. There is only one model with respect to changes to the GST that will favour Western Australia and not Tasmania, and that is the model being proposed by Bill Shorten. That model has not been opposed by the Leader of the Opposition, Ms White. She has not bothered to tell Bill that if Labor is re-elected and he would be advocating on behalf of his position in the upcoming by-election in Braddon, Bill's position on this is to support Western Australia, as he has proposed.

This model may well assist Western Australia, as it would every other state, including Tasmania. I am not concerned about Western Australia but what will best serve Tasmania's interests. If the model brought forward by the Commonwealth will do so, as has been proposed, then of course we will fight for that model and argue for Tasmania's fair share under any model of the GST which preserves HFE, allows Tasmania to have its fair share, and increases our investment of a larger pie over time, as this is proposed to do, so why wouldn't we look at it? Why wouldn't you look at something that could advantage our state?

**Members** interjecting.

**Madam SPEAKER** - Order, both sides of the House.

**Mr HODGMAN** - The most bizarre financial policy this parliament has ever heard is that the Labor Party here is suggesting we would never look at something that might advantage our state. It shows how out of touch and out of depth they are.

## **Education and Training - North-West Coast**

**Mr SHELTON question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF**

[10.44 a.m.]

Could the minister update the House on how the state and federal Liberal governments are working together to improve education and training in Tasmania, particularly in the north-west coast?

### **ANSWER**

Madam Speaker, I thank the member for his question and interest in this matter. It is always a pleasure to update the House when it comes to education. We are investing more than ever before into Education and Training in Tasmania, particularly highlighted by the fact that we have 142 more teachers in our schools now than we did under the previous Labor-Greens government.

This year's state Budget includes more than \$6.7 billion in funding for our schools and TasTAFE, helping to ensure we continue to improve our educational outcomes. We are able to invest this much because we have our Budget in balance and excellent partnerships with our federal Liberal Government which ensure we get the best outcomes for Tasmania and indeed Tasmanian students. There is no greater demonstration of this than in my own electorate of Braddon. Over the past four years working together, the state and federal governments are delivering for Braddon.

During the last federal election campaign Brett Whiteley campaigned hard for the young people of Braddon, securing pathways in technology - or P-Tech - pilot programs for Burnie High, Parklands High and Yolla District School. The schools have now begun the program and are working together with industry partners including Lion and TasFoods that will support pathways related to the agricultural science and food science sectors, while the Elphinstone Group, Jayben Australia and Maltec Engineering will support pathways associated with engineering and the advanced manufacturing sector. These will be valuable post-year 10 vocational pathways for these students. The federal government investment in this program is in part made possible because of our policy to ensure that every school in Tasmania offers education to year 12. That strong relationship was demonstrated this week with the \$750 000 welding centre of excellence funded at TMEC in Burnie. This is state and federal Liberal governments working together.

Further, our strong partnership with the federal government means we can invest more into our schools. The Gonski 2.0 agreement will deliver more Commonwealth money into Tasmanian schools, close to \$200 million over 10 years. This means that coupled with increased state investment we can support 250 more teachers in our schools and 80 more teacher assistants over the next six years, and 192 teachers in our schools over the next four years. We are also investing in our school infrastructure. This investment in new schools, school rebuilds, early learning hubs, school farm redevelopments and TAFE takes the total capital expenditure in education and training facilities to \$192 million over the four years of this Budget. This is the largest state investment in education and training infrastructure in over 20 years.

There is no better evidence of this investment than in Braddon. It means Devonport High School will have a \$10.5 million upgrade. Penguin District School will be completely redeveloped with a \$20 million investment and it will be extended to year 12.

**Ms O'Byrne** - That wasn't even on the category list. There are going to be child care centres that will kill the business down the road, but don't feel bad about that.

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

**Mr ROCKLIFF** - I feel fantastic about investment in schools, Ms O'Byrne. You obviously do not like that, which is demonstrated by your 16 years in government when you underinvested in schools, particularly in infrastructure, and your only alternative in education was to close 20 schools. Shame on you.

In conclusion, if the member who interjects would like to listen, over the next six years both the Waratah-Wynyard and West Ulverstone communities will receive early learning hubs providing all the services of a CFC plus early childhood education and care facilities and birth to grade 2 education, all located on a school site. Further, Ulverstone Primary School will be upgraded, as will Hellyer College. Burnie will receive the state's first Agricultural Centre of Excellence with a \$5 million capital investment in a career farm and TasTAFE, and hospitality and skills training will be further supported through the expansion of the Drysdale Centre of Excellence to a kitchen within the Devonport Living City development.

In conclusion, this is an extensive list and an impressive level of investment because of strong partnerships between state and federal Liberal governments delivering for Tasmania and the people of Braddon. Meanwhile, you have a federal Labor opposition blowing in. Bill blows in -

**Members** interjecting.

**Ms O'CONNOR** - Point of order, Madam Speaker. Standing order 48. The minister has had sufficient time to answer this Dorothy Dixier question. He has said 'in conclusion' twice. He is now proceeding to make another political point.

**Madam SPEAKER** - I will uphold that because you did have a couple of conclusions. Do you mind concluding your conclusions?

**Mr ROCKLIFF** - Meanwhile, Bill blows in talking up fake investments in Braddon. He cannot even attract a crowd to a lunch in Devonport. They are fake promises. They are pretend promises. Labor is not in Government, the federal coalition is, as is the Hodgman Liberal Government. We are delivering for education in Tasmania.

**Madam SPEAKER** - I have to give one more question to the Leader of the Opposition. By the way, I do think Bill should be called Mr Shorten, thank you.

## **GST - Method of Distribution**

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

[10.51 a.m.]

The federal government has accepted the Productivity Commission final report recommendation 6.1, which is changing the objective of horizontal fiscal equalisation. Under the current system, Tasmanians can expect to get the same level of service as anyone in the current. Under Scott Morrison's plan, Tasmanians can only expect to now receive a reasonable level of

service. Why will you not immediately rule out supporting the Commonwealth's plan that attacks our state's right as a member of the federation to the same level of service as any other state?

## **ANSWER**

Madam Speaker, I thank the Leader for the question. We will always fight for Tasmania's fair share of the GST that goes to ensuring that Tasmanians get the same level of services that people living in larger states do. In a model which, thankfully, the Commonwealth has proposed after rejecting the Productivity Commission's report recommendations that would have disadvantaged our state, they have come up with a model that could provide more money to Tasmania that, bizarrely, members opposite are arguing against.

I will make a couple of important points. First, why can the Leader of the Opposition not get the same guarantee out of her counterpart, Bill Shorten, that Tasmania would not be disadvantaged by one dollar under a Labor government? Why can you not secure the same commitment? You cannot get the same commitment out of Bill Shorten that we are able to get out of the Commonwealth. That is reflected in this proposal, which not only will ensure that we do not get a dollar less, but proposes \$112 million more for Tasmania. More nurses, more doctors, more teachers and more investment into our infrastructure. It is extraordinary to say the least.

We will do nothing that disadvantages our state. We will do nothing by way of signing up to any proposal that has not been fully assessed and analysed. This proposal, as I say, suggests an increase in funding, which the Opposition is bizarrely suggesting we reject outright - without even doing any homework. I have said that feels a little like the last day in school here, with the opposition parties looking very keen to finish up today.

In the theme of behaving like school kids, as members opposite are doing, could I ask for a show of hands? Are there any members opposite who are opposed to us trying to get more money and more GST for our state?

**Members interjecting.**

**Madam SPEAKER** - Order. You are wasting valuable question time and it is all taxpayers' money.

**Mr HODGMAN** - Thank you, Madam Speaker. Not one would suggest that we should argue for more money for our state, more money for more nurses, more money for our schools and more money for our infrastructure. It is, sadly, a little like the last day of school and you are all failures.

## **Dover Woodchip Port**

### **Dr WOODRUFF question to PREMIER, Mr HODGMAN**

[10.54 a.m.]

You sold 29 000 hectares of public forests to Reliance Forest Fibre. It is now confirmed that your Government is actively helping establish a southern port at Dover for James Neville-Smith's Smart Fibre, a company with multiple links to Reliance. Will you show Tasmanians the deed of sale to Reliance to prove it does not include a nod and a wink for this divisive southern port as well? Are you prepared to state it has not been a stitch-up from the start?

## **ANSWER**

Madam Speaker, I thank the member for the question. As a government, we will endeavour to support private investment alongside significant public investment into our state's booming economy and growth sectors which, thankfully, now include in this state and under this Government, the forest sector. It was an industry that was in decline under the Labor-Greens government. It is now seeing restored levels of confidence. The private investment is coming forward from James Neville-Smith and his business to sustain growth and to utilise one of our great resources in a way that develops our local economies, supports regional jobs and helps continue the strong growth in our state. We will do that.

**Ms O'Connor** - Point of order -

**Mr HODGMAN** - I am getting to your point.

**Ms O'Connor** - Are you?

**Mr HODGMAN** - We will not do anything to compromise the importance of ensuring that our private sector investors are able to do so in a way that does not subject them to constant political attack by the Greens and others who do not support this growth in our economy and in our forest sector. All you are endeavouring to do is precisely that.

**Dr WOODRUFF** - Point of order, Madam Speaker. Standing order 45: the question was, will the Premier release the deed for Reliance Fibre sale?

**Madam SPEAKER** - It is up to the Premier to answer the question as he sees fit, unfortunately.

**Mr HODGMAN** - I see fit to not do anything that will interfere in the ability for the state Government and the private sector to invest sustainably in industry sectors that are fundamentally opposed by the Greens. That is all this is about. You are unhappy with any private sector entity that wants to develop tourism experiences of a high quality.

**Dr Woodruff** - Public forests, public subsidies, syphoning money. It is a stitch-up.

**Madam SPEAKER** - Order. Dr Woodruff, you have your second warning.

**Mr HODGMAN** - You are against investment into our forest sector. We will support them, we will back them. We will ensure any proposal that comes forward has to tick the environmental boxes; it needs to tick the approvals processes through councils or any other authority that has responsibility. To simply upend the private sector investing in our forest industry, as you are doing, demonstrates a fundamental opposition to an industry we back.

## **Housing and Homelessness**

**Mr SHELTON question to MINISTER for HOUSING, Mr JAENSCH**

[10.57 a.m.]

Can you advise the House how the Hodgman majority Liberal Government is working together with the Turnbull Liberal Government to address housing and homelessness?

## ANSWER

Madam Speaker, I thank the member, Mr Shelton, for his question. I am proud to report that the Tasmanian and federal Liberal governments are working together to address housing stress and homelessness in our state. The best example most recently of this is the new National Housing and Homelessness Agreement, which has now been signed by both governments.

**Ms O'Connor** - They are standard operating business between governments.

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

**Mr JAENSCH** - The reduction of homelessness and housing stress in Tasmania remains a shared responsibility between the state and federal governments and is a priority for the Tasmanian Government.

This week, the new National Housing and Homelessness Agreement came into effect. I look forward to delivering its benefits for Tasmania in partnership with my federal colleague, Dan Tehan. The agreement takes the form of a multilateral agreement and a bilateral agreement between the Tasmanian and Australian governments. The Hodgman Liberal Government has worked constructively with the Turnbull government to secure ongoing funding to continue important social housing of homelessness services in Tasmania.

**Ms O'Connor** - Yes, but how much extra?

**Dr Woodruff** - Point of order -

**Mr FERGUSON** - Point of order, Madam Speaker. I am sure you can hear, as well as I can, there is a lot of noise coming across the Chamber. The minister has been asked a question; I am keen to hear the answer. I invite members opposite to be more orderly in their calling out.

**Ms O'Connor** - Why do you only do this when it is us?

**Madam SPEAKER** - It would be a wonderful outcome. Ms O'Connor, I would hate to warn you, so please indulge me. We probably have two minutes.

**Mr JAENSCH** - The Australian Government has committed certainty of \$164 million over the next five years to assist the Tasmanian Government's commitment to increase the supply of new homes and improved outcomes for all Tasmanians across the housing spectrum, particularly those most in need. This is alongside the Hodgman Liberal Government's own investment of \$125 million, bringing the total investment over five years to nearly \$300 million to increase the supply of new homes and improve outcomes for all Tasmanians across the spectrum. It is over \$60 million a year for the next five years.

The funding from the National Housing and Homeless Agreement will contribute to maintenance of 1050 public houses per year, construction of new houses every year and provision of private rental assistance for 1500 Tasmanian households every year. It will also ensure funding for frontline homelessness services, which are important to Tasmania right now, ensuring that funding is preserved and will continue to prioritise support for people affected by domestic violence and vulnerable young Tasmanians as well.

As part of normal operations, this will contribute to support provided through 175 crisis and transitional response units, support provided through 236 units in support of accommodation facilities, our Private Rental Incentives scheme and our Rapid Rehousing program. As a state, we have committed nearly \$200 million in funding over eight years, which is the largest Tasmanian investment into affordable housing in the state's history.

With the next quarterly report on our affordable housing action plan now being finalised I can report on some of the initiatives that have been delivered since the state election, including: completion of the 25-bed Devonport Youth Supported Accommodation facility managed by Anglicare, which has started taking in tenants; the nine-bed Moonah Youth at Risk Response Centre, now known as Colville Place and which is now operational; ongoing support for home ownership through Streets Ahead and HomeShare, which is expected to see 22 more families into their own homes since the state election; delivery of 116 new and 29 refurbished social houses across the state over the last three-and-a-half months; completion of seven specialist disability units; and delivery of 115 new affordable land lots for Tasmanians to purchase and build their own homes on.

**Time expired.**

## **CONSTITUTION AMENDMENT (HOUSE OF ASSEMBLY ELECTORAL BOUNDARIES) BILL 2018 (No. 4)**

### **First Reading**

Bill presented by **Mr Hodgman** and read the first time.

### **SITTING DATES**

[11.03 a.m.]

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

That the House at its rising adjourn until Tuesday 21 August next at 10 a.m.

I express my appreciation to every member of our House and you, and in particular our Committee Chairs, for progress on the Consolidated Fund bills through the week and engagement to ensure the House considers the Budget in a timely way and without having extraordinarily late sittings.

In regard to today, with one further minister's outputs to be examined under those bills, the Government has listed the Housing Land Supply Bill. We do not anticipate a late night but, given it is our last day of sitting and the Legislative Council will be debating that bill next week, we need to sit until that bill is concluded. It is my understanding it should be achieved without too much undue sitting time.

**Motion agreed to.**

## MATTER OF PUBLIC IMPORTANCE

### Codes of Conduct

[11.05 a.m.]

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

That the House take note of the following matter: codes of conduct.

We thought it was important that parliament debated the issue of codes of conduct today, whether they be for ministers, members of parliament or ministerial staff. This follows the release yesterday of the Integrity Commission report into the investigation of an allegation of interference in the Office of the Commissioner for Children. I have read the Integrity Commission report, as a number of members of the House have. I find the report somewhat confusing in its findings and in its weighting of the evidence. It is hard to understand why contemporaneous notes written by the Commissioner for Children were given less evidentiary weight than the testimony of a minister and a political operative.

That aside, the issue raised in the Integrity Commission's report goes to that of conduct and the Ministerial Code of Conduct. Regrettably, the Ministerial Code of Conduct is not law and has no weight in law. It is simply the premier's set of expectations of his minister. The Ministerial Code of Conduct, while it refers to the need to respect the apolitical nature of public servants, does not make it clear that ministers must respect the apolitical and vitally independent role of statutory officers, including the Commissioner for Children.

It is clear from the Integrity Commission's report that the substance of the allegation has been confirmed: a political ministerial staffer raised a concern with the Commissioner for Children that matters were being put into writing. The Commissioner for Children had finally put these matters into writing out of frustration at not being able to gain the minister's attention in relation to concerns over the policies applying to vulnerable children and young people in Tasmania. We know the conversation was had between the minister's staffer and the Commissioner for Children. The Commissioner for Children took clear notes at the time, yet those notes apparently had less evidentiary weight than an interview with a politician and a political staffer. I find that very curious.

There is a statement in this report that says the commission took the view that the Ministerial Code of Conduct is a code of conduct for the purposes of the Integrity Commission Act. However, the commission noted that the Commissioner for Children is not a public servant for the purposes of that code. Therefore, there was no apolitical role held by the commissioner that the minister was required to respect under the code. That is alarming. What it is saying, in effect, is that the Commissioner for Children is a political role and there is no requirement on ministers to respect the independence of the Commissioner for Children.

You will have political interference in this vital role if there is not an approach in government and a commitment to respect the independence of a statutory officer like the Commissioner for Children. That is what happened. We know this because we have seen the chain of communication and emails. It is laid out in the Integrity Commission's report. There is a major hole in the Premier's expectations of his ministers if he is prepared to allow this statement from the Integrity Commission's report to go unanswered.

If the Premier is going to make a contribution today, he needs to tell his ministers unequivocally that he expects them to treat statutory officers apolitically, that the same expectations apply to ministers in relation to their conduct towards public servants is extended to independent statutory officers. It is a critical part of making sure that the commissioner for children can do their work.

Of course a more fundamental issue here is that in 2011 the Integrity Commission prepared a report that recommended government adopt codes of conduct that provide for members of parliament, ministers and ministerial staff, and that such codes be tabled in parliament. Further, the Integrity Commission in its report of yesterday says:

To date the recommendation that the Government adopt codes of conduct that provide for Members of Parliament and for Ministerial staff has not been implemented.

As we know, the Liberals were given an opportunity late last year to correct this and make sure we established a code of conduct for members of parliament and ministerial staff, and they voted against it.

In the Premier's contribution today we need to hear two things. We need to hear him state unequivocally that he expects his ministers to respect the independence of statutory officers. We need to hear from the Premier what the plan is for bringing in a code of conduct for members of parliament and ministerial staff. That was a key recommendation of the Integrity Commission that has been ignored and when the House was given an opportunity to address this in a meaningful way, the Premier and his party room voted against it. We had an opportunity last year to establish a code of conduct which surely you would think would receive tripartisan support. It did not. Labor voted for it, the Greens voted for it, and the Liberals voted against it.

That must be addressed by this parliament. We need a code of conduct for members of parliament and ministerial staff and we need to make sure that this document, the ministerial code of conduct, is worth more than the paper it is written on. This is the same code of conduct that allowed a minister of the Crown to three times make a false statement to a budget Estimates committee. It is the ministerial code of conduct that allowed the former minister for State Growth, in the space between his green leather seat and the lectern, to cook up a lie about the proposed privatisation of the TasTAFE building. This ministerial code of conduct has had very a poor light shone on it and, Premier, you need to address this as a matter of urgency. It has been raised again by the Integrity Commission and you know you cannot stall on this any longer.

**Time expired.**

[11.12 a.m.]

**Mr HODGMAN** (Franklin - Premier) - Mr Deputy Speaker, we will certainly do all we can to strengthen the codes -

**Ms O'Connor** - You voted against it.

**Mr DEPUTY SPEAKER** - Order.

**Mr HODGMAN** - for members of this parliament and indeed of the Government's ministry to ensure it is best-practice and adequate to deliver good outcomes. It is certainly our commitment to do so.

I want to raise a couple of points. It is a very important area of public policy. First, I am concerned at the questioning of the Integrity Commission's findings by the member who last spoke. I understand that the Greens and the Labor Party are probably disappointed with the independent umpire's findings. But to question the findings of the Integrity Commission as the Leader of the Greens has done is another disturbing intervention by opposition parties which is a continuing course of practice we have seen over recent times, even in these budget Estimates hearings, that call into question the role of the Integrity Commission, its independence and, in the case of the Labor Party, a deliberate suggestion or proposition that we would interfere with the Integrity Commission, which is very undesirable territory to be entering.

It may not suit the opposition parties, but the Integrity Commission has very clearly cleared the minister, Mrs Petrusma, and the staff member in question of any misconduct, as they have said not only in their report but in their media release issued yesterday. I would like to quote from it:

The Integrity Commission has dismissed allegations against former Minister for Human Services, the Hon Jacque Petrusma, and her chief of staff after an investigation found that no misconduct had occurred.

In an investigation report ... tabled in State Parliament yesterday, the commission dismissed the original complaint and allegations that arose in the course of the investigation ...

The investigation also found no factual basis for the allegations that Ms Petrusma adversely affected the performance of the Commissioner's powers or failed to respect his apolitical role.

I can confirm and assure members that we respect the roles and functions of statutory officers and our public servants completely, and it is my expectation that any member of this parliament, particularly my ministerial colleagues, would so do.

The report dismisses the allegations. I was interested to see, though, that notwithstanding the fact that the Leader of the Opposition said they had not seen the report when I spoke to it yesterday, it was not but a matter of minutes, I understand, before they had already issued a detailed media release saying, 'Tasmania loses respected Children's Commissioner due to interference of Petrusma'. As I have said, the commission found there was no interference, so to suggest there was does not point to the integrity of the Opposition in so swiftly asserting that to be so. Verballing the Integrity Commission or misrepresenting what they have said is hardly grounds for having confidence in the commission or indeed anything that comes out of the mouths of the Labor Party on matters such as these. In fact the commission's own media release states that their investigation clears the former minister and staff member of misconduct and found no factual basis to their own allegation.

Second, we have seen the Labor Party trying to verbal the Children's Commissioner and suggest, as they did in that media release, that he left because of this matter. The Children's Commissioner, in his own media statement, said he resigned for personal reasons. He said at the time:

After more than three decades in senior leadership roles, I have made the decision to transition to part-time work.

He also said in the same media release:

The commitment by the Tasmanian Government and Minister Petrusma to reform the child protection and out-of-home care systems is to be commended.

That is hardly an example of the culture that the Labor Party and the Greens are pointing to, yet here they are questioning the Integrity Commission's decisions. We have seen that on more than one occasion recently and I do not think it goes to providing confidence, as the member who raises this matter of public importance would have us all do with respect to the roles of statutory officers and public servants, that they so quickly call into question the very work of the Integrity Commission.

**Ms O'Connor** - No, I am just questioning the weighting of evidence. That is a fair question to ask.

**Mr HODGMAN** - You are questioning that, and the Labor Party is misrepresenting the findings of the Integrity Commission in their media statement yesterday in relation to the reasons the Children's Commissioner left, when the Integrity Commission found there was no evidence of any interference. That does not suit the Labor Party, they will not accept that so they will just go out and say whatever they like and undermine not only the independence of the Integrity Commission but also the investigation in question, which is most regrettable.

With respect to codes of conduct, because there are some important matters that go to what has been done to ensure that our Government's ministers are properly assisted by codes or other instruments, Labor is again wrong to conclude there were serious gaps in the ministerial code of conduct, as they allege. The Integrity Commission's model code of conduct refers to public officials. Our existing code of conduct includes exactly the same wording. In fact, the ministerial code of conduct includes the words that:

Ministers must not by their decisions, directions or conduct in office encourage or induce public officials to break the law, or to fail to comply with a code of ethical conduct applicable to such public officials.

The ministerial code of conduct and associated guidelines provide guidance to ministers on how to deal with important accountability issues, such as conflicts of interests or pecuniary interest. It is worth members knowing that appropriate codes of conduct for ministerial staff are included in their instrument of appointment as well. That includes a standard of conduct necessary to ensure the integrity and ethical standards expected of a servant of the Crown are maintained, including behaving honestly, with integrity, care, diligence, treating people with respect and without harassment, victimisation or discrimination. My parliamentary secretary will add more.

**Time expired.**

[11.20 a.m.]

**Ms HADDAD** (Denison) - Mr Deputy Speaker, this is an extremely important issue the Greens have raised in their matter of public importance today. I am glad to be the Labor member to speak on this. I based my election campaign on the principles and the values of honesty, fairness, transparency and open government. Optimistic as it sounds, I plan to spend my time in this parliament upholding those values. I stand by the commitments the Labor Party made during the election campaign, which will go to encouraging more open government, more transparency. If

there is nothing to hide, there is no need for the Government to so obstinately ignore the advice of the Integrity Commission to introduce codes of conduct for members of parliament and ministerial staff.

I can speak on this with some authority, having served as a member of ministerial staff, as a public servant, and now serving as a member of parliament. There are clear codes of conduct that apply to public servants. There are not clear codes of conduct that apply to ministerial staff. The former solicitor-general, Bill Bale, used to speak passionately about this issue: where in the system of government do ministerial staff fit? Ministerial staff are not public servants bound by the State Service Act. They are not members of parliament and they are not statutory officers. They sit in that grey area. There is evidence, shown clearly by these allegations by my colleague, Mr Willie, as well as the extra allegations investigated by the commission when looking into the issues raised with regard to potential interference with the former Commissioner for Children's office. It shows there must be a code of conduct introduced for members of parliament and there must be a code of conduct introduced for ministerial staff.

The Integrity Commission's report says the recommendations have been ignored to date. I agree with that and encourage the Government to introduce the codes of conduct. It is difficult not to reach the conclusion that the Premier is simply dragging his heels on the introduction of these codes in an attempt to avoid scrutiny. We have seen that time and again in the last four years and in the few months since this parliament was constituted.

We saw damning allegations in the commission's investigation that the former Human Services minister had attempted to politicise and undermine the independent role of the Commissioner for Children. It provides one of these practical examples: former commissioner Mark Morrissey recorded a file note that said he had been verbally requested to write a letter to the Labor Party condemning their actions in parliament regarding kids in out-of-home care. He explained that would compromise and politicise his role as the Commissioner for Children and he advised he could not do this. The commission found that allegation failed to respect the apolitical role of the commissioner and it would fall into the definition of misconduct. However, the complaint was effectively dismissed on a technicality because the Commissioner for Children is a statutory officer and not a public servant. It was not dismissed because it was not true. It was dismissed because of a technicality in the ministerial code of conduct that requires ministers to respect the apolitical role of the public service but, intentionally or unintentionally, fails to mention respecting the apolitical nature of the role of statutory officers.

My colleague, the Leader of the Greens, wondered if this implies that the Commissioner for Children and other statutory officers are political roles. I am not sure that is the case but it does imply that they are not a role to be protected from interference.

**Ms O'Connor** - They are independent statutory officers.

**Ms HADDAD** - That is right. I agree with what the member for Denison is saying. The code of conduct for ministers is lacking in an important and fundamental element, which is that they need to respect the apolitical role of statutory officers. The words from the report are -

The Commissioner is not a public servant for the purposes of the Ministerial Code of Conduct, and therefore there was no apolitical role held by the Commissioner that the Minister was required to respect under the Ministerial Code of Conduct.

That is wrong. It must be fixed. That code of conduct needs amendment to overtly protect the apolitical role of statutory officers, the Commissioner for Children and others. If the Premier does not move immediately to close that loophole, he is sending a clear message that it is okay to politicise and intimidate people as long as they are not public servants. The unfortunate and indisputable conclusion from the sorry saga detailed in the Integrity Commission's report is that Tasmania lost a very good commissioner for children because the Premier allowed the minister of the day to bully, intimidate and drive Mark Morrissey from his job. The commission's report also highlighted the lack of that standalone code of conduct for ministerial staff. As a result, that grey area allowed that unacceptable behaviour to continue.

This is one example in which we have seen the existing code of conduct fail us, and we have seen the glaring gaps left by the lack of the other codes of conduct needed for MPs and for ministerial staff.

**Time expired.**

[11.26 a.m.]

**Mr HIDDING** (Lyons) - Mr Deputy Speaker, this matter of public importance appears to be mostly about the status of independent statutory officers as it applies to a code of conduct. First, on the matter of a code of conduct itself, the whole notion of an Integrity Commission and codes of conduct is reasonably new in Tasmania. It has come in during my period in parliament. I was on the first oversight committee of the Integrity Commission and I am now on the Joint Standing Committee on Integrity, and happen to be the Chairman.

I am not going to spend any time on the report brought down yesterday. That is a report of the Integrity Commission. It is up to us how we read that. It is clear the minister and the staff member were comprehensively cleared. That is the end of it and should be the end of it for all of us. If it is not the end for the Labor Party, why did they want an integrity commission in the first place? When a report is brought down that is the end of it. Labor is continuing, using appalling words against this minister who was cleared by the Integrity Commission yesterday. It is still not good enough for the Labor Party. I suspect they are using tactics such as this as a smokescreen for their decision to try to weaponise the Integrity Commission.

On the question of a code of conduct, nobody believes there should not be a code of conduct for members of parliament. However, over the years there has been a code of conduct under discussion, and various iterations of it, and we have not been able to achieve agreement around the House on the final version. The two major parties of the House have both had issues with that code of conduct.

**Ms O'Connor** - Let us write it for you. It will be robust.

**Mr HIDDING** - Let me say this, if you would not mind? As the newly incoming Chair of the Joint Standing Committee on Integrity, I have discussed this matter with the Premier. We agree that we should use our best endeavours to advance the matter of this code of conduct that has been under discussion for so long. It is not as simple as pulling together a bunch of words, dropping them on the table and saying, 'live up to that'. We have rights and privileges as members of parliament. We have to make sure we do not contract them out or cover them up. It is complicated.

I was involved in the first set of iterations the last four years. I was not involved but did note that we were not able, as a parliament - and that is the upper House as well - to land on something. It is time to move that ball. I will be looking at that.

**Ms O'Connor** - You might consult more broadly than only the Opposition.

**Mr HIDDING** - You mean talk to you? What a radical idea.

**Ms O'Connor** - Yes. The Greens. We are quite reasonable.

**Mr HIDDING** - All members of parliament should be part of this process. There is not a member of parliament who does not believe we should land on something one day. Because it has been so long, that one day should be closer than it has been lately. We will cast our mind to that soon.

A code of conduct ought not only encapsulate all the proper principles of morality and decency of good behaviour by everybody in this place, but it also should have protections against false or spurious allegations, or allegations that might on the face of it, expressed a certain way, lead to an investigation. We are in a combative environment in this place. Codes of conduct in places like this are not always used for good. Codes of conduct can be used for reasons other than to maintain the integrity of this place. That is regrettable.

For that reason, we need strong principles of justice - particularly the principle of a fair go. Somebody who is accused should immediately be brought into the process and be able to give full and early advice as to what took place so that an investigation does not barrel down the road for 12 months or two years and then find at the end of it that there was not much in it in the first place. For anybody who is subjected, rightly or wrongly, to an Integrity Commission process inquiry, it is a devastating process. You would have to be a hard-hearted person not to feel for somebody who goes through an Integrity Commission inquiry and then is completely cleared.

It is not a simple process. You do not stand back. It is devastating on families. For that reason, it ought be something that is used only very sparingly and properly, with hand on heart and the full morality so that it is not weaponised in a political sense.

I look forward to working with all members of parliament on moving forward this notion of a code of conduct.

[11.33 a.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, as Mr Hidding seems to be heading out, before he leaves the Chamber, I want to say that we are pleased to hear that the Government will look again at reviewing the Ministerial Code of Conduct which is clearly a deficient code of conduct.

**Mr Hidding** - No. A new code of conduct.

**Dr WOODRUFF** - Exactly, a new code of conduct. We have heard it all before. I hope this member, unlike the other members who have made those promises, is going to keep his word. We hope you do.

**Mr Hidding** - You haven't been here long enough to say that to me.

**Dr WOODRUFF** - The Greens have been trying to get action on an improved code of conduct for at least eight years now. We have been calling for a crime of misconduct in public office for the same length of time. It is clear that there are endemic problems in the culture of how ministers operate and how this Government operates, which is about secrecy.

We have had a perfect example laid here in question time today. We have lies told to the Greens about the extent of involvement. This has been vindicated by the information released under a right to information request. Correspondence between Forestry Tasmania and the James Neville-Smith Smart Fibre proponents shows a much greater extent of involvement than Forestry Tasmania staff and what the minister's office told us was the case with Forestry Tasmania on this Dover Southwood export port proposal.

It is clear that it ranges across a whole raft of areas. We did not get an honest response. It is there in black and white. People can look through it and make their own assessment about the extent of the untruths that we told. That is exactly the stuff that is not covered under the ministerial code of conduct we have at the moment. That does not go to other MPs, it only goes to ministers. It does not include a minister's staff and it does not extend, as we found in this case, to apolitical statutory bodies, or the responsibility of a minister, or other members of government, to behave ethically and with propriety to those other offices.

There is a compelling case for change. We know from the experience with this Liberal Government is that the fish rots from the top. The Premier has had many opportunities in the last four-and-half-years to bring in this change. He has consistently refused to take up those opportunities and has put roadblocks in the way. He has made endless excuses. What we hear, again and again, is that this Government is refusing to bring Tasmania up to the same standards as other states in Australia and as world's best practice on a whole range of probity and anticorruption mechanisms and laws.

Last year, on behalf of the Joint Standing Committee on Integrity, I attended a conference in Sydney, which was a national and international anticorruption conference. It was clear from that, that there are numbers of areas that need to be improved, numbers of laws that need to be strengthened, so our independent Integrity Commission can have great powers so they can require public hearings and be more emboldened, through law, to have a deeper level and a more independent and proactive level of investigation than they are currently do.

This is the case in other states that have successfully brought members of parliament to heel. The New South Wales Independent Commission Against Corruption has successfully brought cases against members of parliament for allegations of corruption that were, after investigation, found to be true.

This is law that needs to be addressed in Tasmania because it is lacking. It is in all of our interests to shore it up. I was particularly disappointed by the minister for Police's answers in Estimates last week to a question I raised about the Integrity Commission's report into the management of information in Tasmania Police. The Integrity Commission recommended the disclosure of official secrets and unauthorised access to computer offences be reviewed with a view to amending those policies and procedures to make them all more certain and to align our law with equivalent offences in other Australian jurisdictions.

I asked the minister whether he was comfortable with the state of the law and whether he would take up the Integrity Commission's recommendation and review the law. The minister refused to answer that question and instead agreed finally to reviewing the report and its recommendations, which is not the same thing. The Minister for Police, Fire and Emergency Services, who ought to be concerned about integrity in this state at least as much if not more than any other minister, will not even put in place a commitment to review, as the Integrity Commission recommended, the law of the disclosure of secrets. That is shameful and very concerning.

**Time expired.**

**Matter noted.**

**CONSOLIDATED FUND APPROPRIATION BILL (No. 1) 2018 (No. 16)**

**CONSOLIDATED FUND APPROPRIATION BILL (No. 2) 2018 (No. 17)**

### **Reports of Estimates Committees**

#### **In Committee**

**Resumed from 4 July 2018 (page 116)**

**BILL (No. 1) - DIVISIONS 5, 8, 9 and 10 and BILL (No. 2) - DIVISIONS 2, 5 and 7 -**  
(Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Arts, Minister for Environment)

[11.42 a.m.]

**Ms HADDAD** - Chair, it was a very long and instructive day in Estimates Committee B last week where we had the opportunity to speak with the Honourable Elise Archer in her roles of Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Arts and Minister for Environment. I was at the table most of that day with the minister and many representatives from her department.

Overall my impression of the day was our inability to have the minister put on record her views and policy stances on a number of issues. I say that with respect, but there was a consistent theme running through the whole day to defer matters as operational, to defer matters to other ministers and other portfolios, and to chastise Labor for asking questions in the wrong portfolio. It was my view in the line of questioning I led for Labor that it was not unreasonable to ask the minister for her views and policy stances on a number of issues, including the availability of terminations in the public health system, but that was dismissed as an issue for the Health portfolio. It is a health service but it was not unreasonable for us to seek her view as the Attorney-General and as a member of parliament on the lack of availability of that legal health service to Tasmanian women.

We spoke about cyberbullying and this really got my hackles up a little because the minister had spoken in her overview about the Government's plan to introduce cyberbullying legislation, which is good. I then wanted her view on the allegations of significant cybertrouling and cyberbullying that was led by members of the Premier's staff during the election campaign. It is on the public record and, as we know, one senior member of staff was dismissed over the issue. This is quite relevant to the MPI we just discussed about the lack of a code of conduct for ministerial staff. It is also very relevant to the questions I asked about the minister's view on how that side of

the planned cyberbullying legislation would look, whether it would have retrospectivity, and whether those who were actively targeted by members of the Premier's staff would have any recourse under the legislation.

Those questions were not answered. Had there been a ministerial staff code of conduct at the time, dealing with those issues would have been much simpler and more overt. There would have been a much clearer pathway for investigating what were very serious allegations during the election campaign. Again, the Attorney-General told me they were questions for the Premier. They were indeed questions we had asked of the Premier but I wanted to know her view on not only the events that were alleged to have happened but also the fact that it was clear from the Premier's own Estimates when we asked that same line of questioning of him that a fulsome investigation of whether other ministerial staff were involved was not conducted at the time. While we know that a senior member of staff was dismissed over that course of events, we are not satisfied that there was a fulsome investigation into whether other ministerial staff were involved with that cyberbullying. I was a bit surprised at the lack of detail about that during the Estimates process.

There was a long line of questioning on a number of points throughout the day from my colleague, Dr Broad, on the Integrity Commission, and I am sure he will touch on those if he has the opportunity to contribute to this response today. Again they were dismissed as operational matters. We were wrongly characterised as suggesting that the minister should intervene in matters before the Integrity Commission. That is absolutely not my view. As I made clear in my MPI contribution just now, I respect the independence of statutory officers and would never for a moment suggest that the Attorney-General or any minister of the Crown should interfere with the work of statutory officers.

**Ms Archer** - So you'd be happy if I broke the law, would you?

**Ms HADDAD** - No, absolutely not. I absolutely stand by the independence of the Integrity Commission and all statutory officers and would not for one moment ever support the idea that any minister of the Crown should interfere with the workings of the Integrity Commission or any statutory officers.

**Ms Archer** - You're questioning their decisions.

**Ms HADDAD** - Or question their decisions, absolutely. As a lawyer I absolutely respect the independence of statutory officers, including the Integrity Commission. That said, those questions did go unanswered.

We had a number of questions about the funding shortfall that will occur in the forward Estimates for the Supreme Court. The Attorney-General acknowledged the backlog of cases in the criminal division of the Supreme Court and also acknowledged the increase in lodgements of new cases and the number of cases pending for more than 12 months. There was a good commitment from the Attorney-General during that line of questioning that reinstating acting judges will be considered. I was relieved to hear that because I worry that the ongoing lack of ability for cases to be heard in the Supreme Court in the criminal division represents a limitation on access to justice.

It was acknowledged that judges are sitting longer, there is more focused case management, and I respect the actions the court is taking to deal with that backlog of criminal cases but it is my view that this simply will not be enough. It will not speed up access to justice in the courts and it was acknowledged, in fact, in the Supreme Court's annual report and by the Chief Justice that there

is likely to be a continuing backlog. Indeed, the upper House heard from the registrar that the period of time in which the acting justices were performing those duties did not reduce the backlog but rather increased throughput and flow of cases through the court.

That is a positive, but from the perspective of the community and those who are waiting to have their cases heard, who are on remand, sometimes waiting for months and years to have those cases heard, that is cold comfort.

I was encouraged when the Attorney-General suggested she would reconsider future funding for the acting justices to continue that work. I worry that the law and order agenda being pursued by the Hodgman Government, including some significant policy agendas that are likely to put extra pressure on the court system and on the prison system, will have the effect of further limiting access to justice.

When it comes to looking at these things for the future, it is extremely important, no matter what your policy stance is on sentencing options, on the implications of the way that crimes are constituted in the Criminal Code and other legislation, that access to justice should be a fundamental principle of our justice system. It must be funded in such a way that courts, DPP, legal aid services, community legal services, regardless of what side of the fence you are on in terms of the law and order agenda - and members would be aware of where I stand on that - that access to justice must be a fundamental principle of the criminal justice system.

We asked several questions about changes that are required to be made by the state Government to the Births, Deaths and Marriages Registration Act as a result of the changes last year to the Commonwealth Marriage Act. Marriage equality was finally achieved in this country last year, which is a wonderful thing for many of us in Tasmania. Within the Labor Party there has been a long-held view, within Tasmanian Labor in particular, that the rights of our LGBT brothers, sisters, friends, colleagues and community members need to be respected, upheld and championed. I was involved with the Yes campaign last year. I suspended my own doorknocking campaign weekend after weekend. Instead I put on a Yes T-shirt instead of a Haddad T-shirt to go doorknocking with my Labor colleagues and other supporters of marriage equality during the plebiscite.

I ask the Attorney-General to consider putting on the record some of the questions I asked and perhaps could have asked more clearly in the Estimates process. The minister committed to bringing in legislation, as is required, to remove the need for forced divorce. I understand that legislation needs to be passed and proclaimed by or before 9 December this year.

I also asked the minister to put on record that she does not intend to return to last year's attempt to water down the Anti-Discrimination Act, specifically sections 17 and 19. The minister indicated that she did not have an intention to amend the Anti-Discrimination Act in the way that it was attempted the last parliament, but she finished by saying that as a consequence of the Marriage Act changes there will be consequential amendments to other legislation in addition to the Births, Deaths and Marriages Registration Act, including the Anti-Discrimination Act.

Following Estimates last week, I would like to know what changes the minister believes are required to the Anti-Discrimination Act to comply with the Marriage Act changes last year.

**Ms Archer** - Why didn't you ask last week?

**Ms HADDAD** - I tried to, but I am asking you now.

Do these changes include an exemption for religious organisations similar to the exemption included in the Marriage Act that reflects existing exemptions in the Sex Discrimination Act? Why would Tasmania's Anti-Discrimination Act need to be brought into line with the discrimination exemption in the Marriage Act when it was not considered necessary to bring it into line with the same exemption in the Sex Discrimination Act? Is the Marriage Act being used as an excuse to weaken the state's discrimination protection?

I respect what the Attorney-General said. I should have gone further down this line of questioning last week. The reason for me touching on these things in my contribution today is to ask the Attorney-General to put more firmly on the record her -

**Ms Archer** - Ask a question in question time.

**Ms HADDAD** - I will ask a question in question time. I will do that. I will put the question on notice in whatever way I need to. Alternatively, could the Attorney-General put on the record her views on whether the Anti-Discrimination Act needs amendment as a result of the Marriage Act? If so, what would those amendments contain? I would be very glad to have that information on the record today, or at a future time if I put these questions on notice. How much longer do I have?

**Mr CHAIRMAN** - Seven minutes.

**Ms HADDAD** - We spoke about right to information -

**Mr Brooks** - Start on page one again; that is what the Leader does.

**Ms HADDAD** - Thanks, member for Braddon. I will take that on board.

We talked about right to information and the ability for decisions made by ministers or their delegates to be appealed to the Ombudsman's office. The minister explained that there is a difference in opinion between the Government and the Ombudsman's office about the 'appealability' of decisions made by ministers or their delegates. It is my view that that difference of understanding is a reasonable difference. A simple change needs to occur in the RTI act to overtly allow for the internal review of decisions made by ministers and their delegates. I believe it is an amendment that needs to be made to section 45(1)(a) of the RTI act.

In this part of the act, it refers to 'delegates of a public authority', whereas the rest of the act refers to 'delegates of a public authority or minister'. Those words 'or minister' are possibly through a drafting error at the time of the act being drafted and omitted from the section that deals with internal review. It seems to me that being changed would clear up the difference in understanding between the Government and the Ombudsman and would potentially allow the Ombudsman to review those decisions.

We spoke in the Corrections portfolio about a number of issues. In a nutshell, we talked about the pressures of demand in the prison system. The minister explained her plans for a northern prison; changes to the remand facilities in the north and south; the technology; and that there will be significantly increased capacity in the southern remand facility to be built, which will have 140 beds and be based at Risdon. It is very positive to have greater capacity in the remand facility so that prisoners who are on remand are, quite rightly, since they have been charged but not found guilty, in a separate part of the prison. However, what is of concern is the amount of funding that

is being provided to facilitate this increase. There is \$4 million funding per year, so \$16 million over the forward Estimates, increase in prison operational funding.

That, as the minister explained, is not exclusively for the new southern remand facility - the 140 beds. It is also intended to meet the existing operating needs. We understand that staffing is often stretched in the prison service, but it is also intended to meet the expected increase in prisoner numbers. I do not feel that is a significant enough investment to ensure that staff and prisoner safety will be prioritised. As I said earlier, the law and order agenda of the Government will inevitably increase the numbers of prisoners over the next four years and on into the future. I am not confident the \$4 million will be sufficient to meet existing operational needs within the prison and the additional operating needs in future.

We also spoke about the reasons for lockdowns. It was acknowledged by all at the table that lockdowns are a matter for the prison director and his staff. There was no question about how they are exercised and used. However, it comes down to the issue of capacity. We are often told that lockdowns occur because of the numbers of staff on shift rather than incidents within the prison. There is often a shuffle that needs to go on in the prison day-to-day when there are not enough staff to cover shifts. As a result, lockdowns might occur for short periods but might occur in a rolling sense over the prison on any given day. That has the potential to put staff and prisoners at risk. It has the potential to increase disharmony amongst prisoners and amongst staff. It was important to be put on the record during Estimates and now, in response to the Estimates process.

In the Environment portfolio we had some good discussions about climate change mitigation for Tasmania. I note in this part of the Estimates process the decision of the Government, not long after coming to Government four years ago, to defund the Climate Action Council Tasmania.

**Time expired.**

**Dr BROAD** - Mr Chairman, I rise to contribute my reflections on this Estimates committee and the process I sat in on, only briefly. As I discussed yesterday, one thing this Government has a habit of doing is to pass the buck and shuffle members from one area to another as if it is not their responsibility. They shift it onto somebody else and end up going around in big circles. In the end, you do not have the true scrutiny the Estimates process deserves.

In dealing with Integrity Commission matters, I was directed on six occasions to put those questions to this particular session of the Estimates process. I dutifully showed up at the time Ms Archer was fielding questions and being scrutinised on her sections of the Budget. I proceeded to ask some simple questions and was told this was not the appropriate place, that what I should have been doing was return when the Integrity Commission - I think it was about 11.30 a.m. - was due to be available to field questions and be scrutinised. At the time, we had the minister outlining that her responsibility for the Integrity Commission was purely administrative. I assume that meant the Integrity Commission is a purely independent body that can answer questions for itself.

**Ms Archer** - Be very careful of what you say.

**Dr BROAD** - You can be very careful, thank you.

I left the committee room and came back at the allotted time. When it was time for the Integrity Commission to come to the table, the minister refused to ask the Integrity Commission to sit at the table. The minister has an administrative function so it sits purely under her portfolio, yet the one

power she does have is to refuse to ask them to sit at the table. The reasons given were, 'I do not want to politicise this'; the minister did not want the Integrity Commission being asked any questions of any sort. I had one simple question and the minister said, 'I know what you are doing here', and was defensive from the beginning. I asked a simple question, 'Was there any direct contact between the member for Montgomery, the honourable Leonie Hiscutt, and the Crown Land Services?'. That was the question I asked and that was somehow so offensive, so outrageous, there was no way the minister was going to ask the Integrity Commission to sit at the table.

The Integrity Commission has the ability to answer questions or not as they see fit. They are an independent body. This highlights to me the rank hypocrisy of the minister. Things were different in the past. The minister must know this. I will take her back, to jog her memory, to when Labor was in power. During the Estimates committee process on 6 June 2013, when Ms Archer, the shadow justice minister, was asking questions -

**Ms Archer** - No, I was not.

**Dr BROAD** - You are on the list. Members were Elise Archer MP, Brenton Best, Tim Morris, Mark Shelton, and Graeme Sturges and the minister at the time was Brian Wightman.

Guess who else was there? The CEO of the Integrity Commission was at that meeting. This is the difference between Labor and Liberal. From *Hansard*, 'Division 2 Integrity Commission'. What happens? The Integrity Commission comes to the table. The minister does not say, 'No, it is only me and I do not need to invite anybody to the table'. The minister invited the Integrity Commission to the table. Then, what do we have? We have a completely different circumstance. We have Ms Archer directing questions at the Integrity Commission, asking questions of the Integrity Commission. What was Ms Archer asking of the Integrity Commission? She was asking direct questions about Integrity Commission investigations. It is here in the *Hansard*. You must have known this was the practice. Why did you not invite the Integrity Commission to the table? Your first instinct is to block and to deny any scrutiny, on the off chance they may be able to answer a question. In this *Hansard*, they did refuse. The CEO of the Integrity Commission did not answer all your questions because they are an independent body. They can answer however they choose, but they have to be at the table. The one thing you can do as a minister is block them from coming to the table and that is what you did. The difference between Labor and Liberal is you block any attempt at scrutiny. You refused to bring them to the table but they were at the table in 2013.

Here are the questions you were asking. You were asking questions about specific complaints and the minister is not even registered on the *Hansard*. The minister did not intervene at all. He let the Integrity Commission answer for themselves. It begs the question, why would you have refused to countenance the idea of the Integrity Commission being able to answer questions for themselves? It is for the Integrity Commission to decide whether the question, 'Was there any contact between the member for Montgomery and Crown Land Services?', was appropriate. They are an independent group. They can decide whether that question is out of order and whether they can answer according to the act, but the minister blocked that.

What other questions did she ask? She asked about a specific case. I have no idea what this case was about and the specifics of it. You delved into it and asked what happened in Mr Greenberry's case and why was it being dismissed? It was all right for Ms Archer to ask specific questions of the Integrity Commission when she was in opposition, but when she is in government the minister's response is to block and not even let them get to the table. How is that scrutiny? I call that rank hypocrisy.

Ms Archer also talked about a redacted version of an email in that session in 2013. She said, 'I was just trying to frankly politicise an issue and ask questions. How dare I ask questions of the Integrity Commission?'. 'I know what you are up to', the minister said. In that instance, what happened under us is we had scrutiny. The independent Integrity Commission had the ability to say, 'I cannot answer that question'. Ms Archer also said in 2013, 'That type of letter may not be the only correspondence you would send to the department, for example'.

In this Estimates I asked, 'Has there been any direct contact between the member for Montgomery and Crown Land Services?', and her response was, 'That is an outrageous question, how dare you?'. When Ms Archer was in opposition she could ask questions like that about redacted emails and letters between departments, correspondence. That was perfectly fine.

This is rank hypocrisy from the first law officer of this state. In 2013 Ms Archer stated, 'You should assume the Greenberry case was the entirety of the correspondence. I was wondering if there could have been verbal communication in relation to that'. That was the question from Ms Archer. It is rank hypocrisy from the first law officer the state.

She must have known unless the minister's memory only stretches back a couple of years instead of five years, but this is the absolute difference between the approach from Labor and Liberal. Labor gets the Integrity Commission to the table and allows them to field questions as an independent body and make their own decisions. This minister blamed me for politicising it. That was a purely political move to block scrutiny of the Integrity Commission. Rank hypocrisy.

**Time expired.**

[12.12 p.m.]

**Mr BROOKS** - Once again Dr Broad cannot control himself, being completely hysterical and frankly ridiculous in his contribution, if you could call it that. His rant had no merit whatsoever other than he did not like the fact he did not understand the Standing Orders. That is all that was.

Mr Chairman, I will talk about the important aspects of this output within the Budget. First, I congratulate the minister and my good friend and colleague, Ms Archer, who is doing a fantastic job as the state's Attorney-General and also in her other portfolios.

I want to raise one issue that I asked about in Estimates to the minister and she provided me with a wonderful, accurate and informative answer. I find it interesting that out of the 990 questions asked during the Committee B Estimates, the only ones who whinge about it are those opposite. They either asked the wrong questions or kept asking the same questions and did not like the answers, when I give credit to all ministers for the way they handled the questions and the way they responded.

We have even heard criticism of questions on notice and not getting answers. Chair, you have been in opposition, I have been in opposition and the Attorney-General has been in opposition. I am still waiting for some answers on questions on notice I asked but I don't presume I am going to get them given they were six or seven years ago. I am still waiting for some RTI ones as well. I don't think I will get them either.

**Dr Woodruff** - We're still waiting for your email chain with your business dealings when you were a minister.

**Mr BROOKS** - Oh, right. I find it interesting that you think that my family, my daughter and my ex-wife, don't have a right to privacy in divorce proceedings. That is typical of your Greens bullying of people's privacy who are not members of parliament that they should have their private matters in a public domain. We all know their outrageous claim about a conflict of interest that I was running a so-called mining company and profiting from it, or whatever they reckon it was. That is not the issue. The issue is -

**Dr Woodruff** - The issue is you got caught out lying.

**Mr CHAIRMAN** - Order, Dr Woodruff.

**Mr BROOKS** - I reject that. That was resolved by the House. I am pretty sure it was resolved by the House, but being so inexperienced you probably cannot remember that.

**Dr Woodruff** - No.

**Mr CHAIRMAN** - Order, Dr Woodruff.

**Mr BROOKS** - That goes to show the ilk of the Greens and those opposite. They want to trawl through people's private matters because they have nothing else to talk about. That was proven again yesterday when they dragged up investigations by independent bodies. They named people that I thought was not fair under due process, but under the cover of privilege they did it anyway. It goes to show what they will do and what they will get up to.

I would like to talk about one specific issue that I find deeply concerning and I raised it with the minister. I thank the minister for her answer and outlining the roles and the separation of powers. I am a resident of Penguin. I have penguins on my property which are fantastic. They can be a bit noisy sometimes but that is part of their charm. They are awesome.

**Ms Archer** - What noise do they make, dare I ask?

**Mr BROOKS** - It would be impossible for our dear *Hansard* friends so I am not going to imitate the penguin noise. I have done some things in this Chamber that I probably should not have done but I am not going to do that. My wonderful partner Tanya, I and my daughter, Georgia, have to check under the car in the morning to make sure there are no penguins there. They are amazing little creatures. We love them and have plenty of them on our property.

I shared the outrage of the community about an individual who killed six of them with a stick, I believe. It was just offensive and unacceptable. I am in no way criticising or trying to bring in a separation of power issue here but I will stand up for the community that has spoken to me about that they felt the sentence was not in line with what they thought it should have been.

I know there are authorities that look at these sorts of things and that will be where that is dealt with. I thank the Attorney-General for clarifying and ensuring that the separation of powers remain as such, as they should me, and for allowing me to raise this important issue on behalf of the community of Braddon. I believe all Tasmanians are offended, shocked and disgusted when they see someone beat six penguins to death with a stick. I thank the Attorney-General for clarifying that for me in Estimates and reminding those opposite about how the government works. They appeared not to know about the separation of powers, the role of the attorney-general, what is appropriate and what is not.

The Attorney-General, my good friend and colleague, Ms Elise Archer, has absolute integrity and is a professional. It is a privilege to serve with her and a privilege to have her as the Attorney-General of Tasmania. Dr Broad ranted, raved and whinged about the fact he did not understand Standing Orders. He failed to understand standing orders so greatly that he was named. It goes to show the attitude, the laziness and the misunderstanding of those opposite.

It was interesting to hear more from the minister about other items, such as mandatory minimum sentences. It is about setting standards in line with community expectations. We believe there should be consequences for the crime. We believe that if you assault a police officer, for example, you should go to jail. We believe if you are a paedophile you should go to jail. I am surprised those opposite do not think that -

**Time expired.**

[12.22 p.m.]

**Dr WOODRUFF** - Mr Chairman, mandatory minimums was something I raised with the minister, thank you for that segue, Mr Brooks. I raised that issue, which the Greens have been single-mindedly consistent in, along with the Labor Party and previous member for Franklin, Ms Giddings. Ms Giddings was a champion and stalwart, along with the Greens, of defending the separation of powers, the rule of law, and the important tradition and precedence of allowing courts to make decisions about appropriate sentencing. We will not play politics on this.

I asked the minister whether she was going to continue, on behalf of the Liberals in Government, to waste taxpayers' money trying to flog mandatory minimum sentencing legislation again - exact copies, a replica of legislation that failed in the last term; whether she was going to be wasting parliamentary resources and staff resources to push it through this House again. She does not have a sensible answer to that. The sensible answer is yes, she will be wasting parliamentary money and she will be wasting the resources of taxpayers simply for a political fight.

Shame on the Government for not listening to the will of parliament on this matter. The parliament has spoken. Nothing has changed since the last term of government, except that there are two less Liberal members sitting in this place to prosecute a case not supported by the Greens, the Labor Party and many sensible members in the other place.

I also was concerned about the lack of will from the Minister for Justice to investigate the appropriateness of departmental policy around conflict of interest on panels. It is concerning that the Director of Prisons Designate, Ian Thomas, who sat on interview panels that employed -

**Ms Archer** - He is an outstanding director.

**Dr WOODRUFF** - The character or the ability of the director designate, Ms Archer, is completely irrelevant. That person sat on an interview panel that ultimately employed two of his former colleagues from Victoria to senior positions in the Department of Justice. One was the Performance and Compliance Manager last year, and a second was the Chief Superintendent in January this year. This is a stinking process, by any measure. It is the case that should a conflict of interest like this be identified to the panel, the appropriate mechanism is for the person with that conflict to remove themselves.

In a workshop session at the national anti-corruption conference last year I was honoured to represent members of the Joint Standing Committee on Integrity. I and other members of the

conference went through a questionnaire offered as part of a panel about this issue - conflicts of interest in the employment of people in departments. One of the things asked as a scenario was, if you had a conflict of interest like this very conflict, what would you do? Would you declare it, would you tell other members of the panel and stay there, would you tell other members of the panel and leave? There were a number of options. The right answer was to leave the panel. The wrong answer is to stay on the panel.

It is concerning to hear the minister is not interested in reviewing this policy. We will continue to talk about it. It is a concerning situation. A person who was previously, regardless of their ability or character, working in a private prison in Victoria has now been on an interview panel that has employed two former colleagues to very senior positions, one being the second most senior position in the prison system in Tasmania. It is not okay. It would not stand up to scrutiny, as is the practice in other state public services. It is not good enough there, it is not good enough in other countries; why should it still stand in Tasmania?

I asked whether the minister was concerned about harmful allegations of gay conversion or other harmful practices being inflicted on people who are lesbian, gay, bisexual, transgender or intersex who may find themselves within the grasp of people, misguided and rogue faith-based counsellors, or in misguided and rogue, hidden clinical environments, sometimes in online forums, attempting to convert them from their so-called problem. This practice has been identified in other states. Victoria has taken a strong stand on this. I asked the minister whether she would consider undertaking an evidence-based inquiry about whether this exists at all in Tasmania. We have had reports that it does. The minister declined any interest in following that up. That is disturbing to those people. It is a despicable practice and it seeks to continue to stigmatise people.

**Ms Archer** - I did not decline.

**Dr WOODRUFF** - You did not answer the questions.

**Ms Archer** - That is a misrepresentation. Don't misrepresent me.

**Dr WOODRUFF** - I will not spend any more time trying to find it.

**Ms Archer** - I am asking you to not misrepresent me.

**Dr WOODRUFF** - I asked you to investigate that. You said that if the public want to contact you to do that, they could. But you would not do that after I asked you to do that on behalf of those people. The question, minister, is about looking for the evidence. It is well documented. That is why you look for it, if you care.

**Ms Archer** - I can only act on it. I cannot accept that.

**Mr CHAIRMAN** - Order.

**Dr WOODRUFF** - No, no, it is all about taking action when you are a minister, not just sitting still.

I want to raise the serious problems that were obvious to everyone except possibly the minister about the impact on marine species from the failed regulatory oversight in Macquarie Harbour. It is really concerning. I asked the minister if impacts to the environment in Macquarie Harbour were

a concern and whether she was concerned about the impact of fish farm operations on the marine environment. I pointed out that scientific studies have identified catastrophic ecosystem failures. The EPA has identified that. Her answer was it is about striking the right balance. That is why we are concerned on behalf of people who care about those beautiful species like the maugan skate. People, like the Deputy Chairman who cares about penguins, would care just as much about marine species. We do not get to see them very much but they are just as intrinsically beautiful. The spotted handfish is possibly even more beautiful in a characterful and ugly way than penguins are. They get the love. They do get the love value for people.

Seriously, we need to have an environment minister who is interested in the environment - in any part of it, not just in the economy and the economic issues for fish farms, which is what the minister keeps talking about. The balance is not struck in the right way for the environment.

**Time expired.**

[12.32 p.m.]

**Ms STANDEN** - Mr Chairman, I was present for most of the proceedings throughout the examination on Justice, but in particular, I was at the table and made contributions about Corrections. I do have one or two questions in relation to environment. My other responsibilities meant that I was not able to be there for that particular part. I hope it is appropriate for me to put on record some of my concerns in that regard.

I joined the committee at the rather feisty stage when Dr Broad was asking questions about the Integrity Commission. As a new member of parliament it was a shock to me to hear that a member of parliament had been pushed from one minister to another in order to ask a question. He was denied the information he sought six times only to be put back to Ms Archer. She again used the procedures within the Estimates committee to deny Dr Broad the information that he sought. It was an eye-opener and an interesting commencement to the proceedings. I learnt a bit more about Estimates committee procedures on that day than I had in previous days, that is for sure.

My contribution started in support of Ms Haddad who is shadow attorney-general, and shadow minister for justice and corrections. It started with an interesting overview of the prison, which is not an area in which I have deep experience. I suppose my particular interest and background comes from working within the community sector with deeply disadvantaged kids, families and communities, and gaining insight into the comorbidities - the experience of people who, through no fault of their own, sometimes get into trouble in one way or another and are unable to navigate their way out.

I sat on the committee hearings in relation to children, with Mr Jaensch, the day before. We were talking about the Ashley Youth Detention Centre. I could not help but draw some lines between those facilities. It was interesting to learn from Mr Jaensch that Ashley has only 13 or so kids within that facility at the moment. I am still not satisfied that the investment that the Government has made to upgrade and maintain that facility, the cost ratio of staff to children and, more to the point, the model of care for children is the appropriate one, particularly given the high cost to the Tasmanian community. We arrived at the point of understanding that recidivism was at some 50 per cent for those children. Of the children there at the moment, on average some 33 per cent of the children within Ashley are Indigenous.

We put similar questions to Ms Archer about Risdon inmates. I think we got the answer that there were some 616 prisoners at the present time. I think she said that 112 were Indigenous, about

20 per cent of the population. The minister may have taken some part of the question on recidivism on notice, but it was around 44.8 per cent, I think she said. It highlights the ongoing problem.

Without throwing stones at any particular minister or portfolio, but as a person who is deeply interested in breaking patterns of entrenched disadvantage within the community, it highlights to us all the problematic nature of particular cohorts of children becoming adults, becoming parents. The nature of the cycle of disadvantage is entrenched within communities. I asked the question of both ministers in relation to tracking children from Ashley onto Risdon. I believe both ministers said that they did not have that data available. I might be wrong about that -

**Ms Archer** - We took it on notice.

**Ms STANDEN** - It would be interesting to look at those figures, because obviously with 50 per cent of the children from Ashley having a track record of recidivism and similar figures for Risdon, I wonder whether we are talking about only 616 prisoners. I know the facility is not yet full but with 10 years until a new prison is built in the north of the state, I hope that is adequate time for us to be able to respond to -

**Mr Jaensch** - You can only match them retrospectively. You cannot track people once they have completed their sentence.

**Ms STANDEN** - I know it is very difficult but it is a challenge worth tackling, don't you think, Mr Jaensch and Ms Archer?

**Ms Archer** - Justice Connect will help us identify that. The new system.

**Ms STANDEN** - Ms Archer is saying that Justice Connect should help. I hope that is true, because I do not know enough about that system.

I noticed a similar thing with education, where I have a little more knowledge and understanding that once kids leave primary school, the principal has no particular knowledge or understanding of what happens to them next. The responsibility is passed onto the secondary school and they do not know what has happened to them before so there is no real duty of care as to what happens next. Then we have years 11 and 12 and a further disconnect, and then we have the disconnect between either work outcomes, hopefully, or further education and so on.

I do not know much about this Joined Up services initiative of the Government, but I am interested to understand whether it gets to this business of tracking real people within communities, within families, and what outcomes these people are experiencing. It seems to me we have much of this pattern of intergenerational disadvantage within Tasmania.

I know from my own experience working with the Smith Family, a telling example was a teacher giving an assignment to the kids to go home and interview somebody they knew about their work experience and getting to this business of role modelling. Some time later the teacher found that not one of these kids had produced the homework and asked why. When it was looked into further it was because not one of these kids knew anybody within their own nuclear family, their wider family, or even within their community, who had experience of work, so what do we expect?

I asked some of those questions about education and training of Ms Archer and she took on notice to provide some further breakdown of the 749 enrolments and 402 completions. Given my

understanding of people with troubled lives and so on, I was rather impressed with those figures on the face of it. It sounds like there is a broad range of training development options offered. I share the minister's concern that engagement and participation is quite another thing.

**Time expired.**

[12.42 p.m.]

**Ms ARCHER** - Mr Deputy Chairman, I had hoped to hear from all the people who wished to speak before I gave my contribution so I could address anything that was raised with respect to any misrepresentation.

These budget Estimates were the first for me as a minister and as Attorney-General. The process for me was one I enjoyed immensely, being back in the thick of it. From the outset, I acknowledge the excellent work of my departments and the dedicated public service that prepared so comprehensively for the committee. I was disappointed all their work could not be used because of things being raised for political purposes, but I assure the departments all their work assists me greatly moving forward in the portfolios because we can now turn up information they prepared for Estimates. It is a very valuable exercise.

It is an opportunity for scrutiny of the Budget and I was pleased to be able to speak to the priorities of this Budget, the delivery of all our election commitments, and outline the range of excellent work being done across the agencies for which I am responsible. There can be no doubt this Budget delivers on the many important priority areas. Significantly, there is \$40 million of an estimated \$70 million for a 10-year commitment for Tasmania's participation in the National Redress Scheme. We have allocated considerable capital funding for our Burnie Court complex in the north-west of the state. There is huge capital investment being made by our Government in the prison infrastructure across Tasmania, including \$70 million for the southern remand facility and its capacity is now expected to be double that which we had initially indicated. That is very pleasing regarding our southern facility and for future-proofing our whole prison infrastructure. This is in addition to our commitments to stage 1 of the new northern prison.

We have a strong legislative agenda in Justice, including implementation of key election commitments such as our dangerous criminal reforms, bail reform and the creation of a new persistent family violence offence. Sadly, I was not asked about many of these things during the budget Estimates process.

In Corrections, beyond the substantial capital investments, we are also investing heavily in recurrent prison funding including staff to cater for the additional pressures of growing populations, which I always note and want to again highlight to the House is being experienced Australia-wide and Tasmania is not immune. We have committed \$17.2 million over the Budget to support the introduction of alternative sentencing options, including home detention and electronic monitoring.

In the Environment, we are investing significantly in our threatened species, including through the new captive breeding facility at Five Mile Creek for our precious orange-bellied parrots, and \$1.8 million over the forward Estimates for our Save the Tasmanian Devil Program. We continue to implement our nation-leading Climate Action Plan and our Budget supports this.

The Arts has been given a notable boost in this Budget, including considerable additional funds for the Theatre Royal as it approaches the opening of the Hedberg performing arts facility that we have already committed \$30 million towards. This recurrent funding from the state Government

will invest just under \$2.8 million of funding in this year's state Budget to support the operation of expanded facilities at the Theatre Royal. This is on top of the many considerable commitments we have made to the arts at the election, building on our strong proud record in government as support for the sector. We have \$1 million for a new permanent exhibition for children at TMAG, a \$2 million screen innovation fund and funding to support the export of Tasmanian artists and galleries to key national markets. This is a great budget for the arts in Tasmania.

Whilst this was my first Estimates as a minister, I was surprised at how little the Opposition asked about the actual Budget as I see it. Before I get into that, I want to correct something Dr Woodruff raised in her contribution today. I believe I was arguably misled on the conversion therapy issue. Dr Woodruff stated that I showed no interest and would not pursue an evidence-based investigation. What I said, and I have the *Hansard* here, was:

I am not necessarily disputing what the member is saying but I cannot test the veracity of those matters in this forum. I invite the member to write to me to refer, with footnotes, to an evidence base on this. The member has also suggested that Victoria did this on their own but I am not quite sure if they did; I would need to ask the Victorian Attorney-General. There are a lot of matters that need to be considered in terms of an evidence-based approach on this.

Dr Woodruff's reply to me was:

If they write to you and provide you with some evidence then would you consider -

My response was:

Any member of the public could raise something and we could give it due consideration, as we would with all constituent matters.

I wanted to clarify that for the record today.

**Dr Woodruff** - So minister, you will write to the Victorian minister and ask him if there is an evidence base for their inquiry?

**Ms ARCHER** - I do not want to use up too much of my time. I have a lot to get through and address. I just clarified what was said last week and yesterday.

Whilst this was my first Estimates as minister, I was surprised at how little the Opposition asked about the actual Budget, and in this context I am talking about the Labor Opposition. The committee started with a reheated and ridiculous assertion from the Opposition that the Attorney-General should be intimately aware of each of the potentially hundreds of matters relating to section 79B, notices on matters before the High Court. I was pleased that the day started on this because it gave me an opportunity to roundly refute the suggestion and explain the processes around these matters, not having been given an opportunity in the House.

Cyberbullying, a serious issue, was raised as well. The Opposition suggested moves to criminalise some serious behaviours in this space which should be made retrospective. Cyberbullying is an increasingly serious issue and this Government has committed to address it through the introduction of a specific crime to target cyberbullying. To assume we can always act

retrospectively shows a worrying lack of understanding from the Opposition in the creation of new crimes. Though the Government will consider any submissions received during consultation, it is highly unusual for new crimes to have retrospective operation. This is a well-settled position in Tasmania and an article of the International Covenant on Civil and Political Rights, to which Australia is a party.

We covered some issues relating to resourcing, which I was pleased to discuss. This included the longstanding backlogs experienced in some of our courts. The committee heard and acknowledged a court backlog is a complex issue. There is no single cause. As I explained to the committee, the Supreme Court is implementing a range of strategies to address its backlog in the criminal division. I remain open to consider any reasonable measures through which the Government can support the Supreme Court, and specifically the Chief Justice, in this and in the courts' performance in the delivery of the administration of justice in Tasmania.

Following the appointment of the five acting judges for two years, there was an increase of funding to the Supreme Court of \$1.326 million over two years to cover additional costs for the acting judges. As we approach the end of the current terms of the acting judges, and in consultation with the Supreme Court, the Government will consider the future needs of the Supreme Court. This may include the reappointment of acting judges and any resources to accompany this will be dealt with through the usual budget process, as it occurred last time.

I note concerns were raised regarding whether the Office of the DPP had sufficient funding to meet the additional sittings caused by the acting judges. In the 2017-18 and 2018-19 Budgets the Office of the Director of Public Prosecutions budget has been increased by just over \$1 million and by almost \$800 000 in the outer years. This included \$570 000 over two years related to the appointment of acting judges. This funding increase has allowed more staff to be employed and in the current financial year the office of the DPP has conducted trials in extra courts, provided by the Chief Justice in an effort to reduce the case load.

In a related area, the Government is pleased to continue its commitment made in the 2017-18 Budget to provide record state funding of \$2.5 million over two years to support the legal assistance sector in Tasmania. The additional funding ensures the Legal Aid Commission and Tasmanian Community Legal Centres do not lose staff or funding as a result of reduced Commonwealth funding through the National Partnership Agreement on Legal Assistance Services. Also, because of the additional funding provided by this Government, there is no reduction in core funding for either Legal Aid or any of the Tasmanian CLCs subject to the NPA for 2017-18 and 2018-19. We were able to do this because of strong budget management since coming to government. There are a number of reviews being undertaken of organisations operating in the legal assistance sectors and the outcome of those reviews will inform future funding arrangements from 2019-20 onward.

We also covered policy matters relating to births, deaths and marriages. It was a good opportunity to outline that currently the Births, Deaths and Marriages Registration Act 1999 provides for the biological sex of an individual rather than the broader concept of gender. As the minister responsible, I am aware there have been recent developments in Australia in relation to the legal recognition of transgender and intersex people and that some are calling for broader amendments to be made, in addition to the reforms required as a result of the amendments to the Commonwealth Marriage Act legalising same-sex marriage. As a government, we have prioritised the latter as a standalone reform. It is of a different character to broader amendments some are calling for and it is time for critical law reform.

I indicated my department is currently reviewing the legislation to determine whether the current provisions of the act remain appropriate in light of Australian Government guidelines issued in respect of the recognition of intersex and transgender people and amendments in other jurisdictions. It is my firm view that the issue of transgender recognition deserves attention in its own right. I do not want to rush law reform on this issue. I will instead conduct the necessary wide public consultation so all those affected can be heard on the issues. As I said to the committee, I have some appointments already made in that regard. I was pleased to have the opportunity to speak to these issues, to clarify the Government's position and outline any budget implications.

There was the blatant politicisation of the Integrity Commission. We heard Dr Broad's spray earlier. He worked himself into a lather in relation to the Integrity Commission. Had Dr Broad had a single question about the Integrity Commission's budget, its performance, its key outcomes, this was the opportunity to ask. Not once were questions of that nature asked. Dr Broad deliberately frustrated the committee process. He grandstanded on a political issue unrelated to the Integrity Commission's budget and executed his plan to be removed from the committee to gain a headline.

I heard Ms White mention, in putting questions to the Premier and me, that the Crown Solicitor was present and able to join the table during my committee. That is incorrect. The Crown Solicitor never attends Estimates, nor was he present last week. I correct that on the record. The Crown Solicitor did not attend Estimates and the Leader of the Opposition should have known that.

I thank the Greens for not contributing to the politicisation of the Integrity Commission. It was good to see their respect for the Integrity Commission. The politicisation of the Integrity Commission was inappropriate and improper. The Greens did stay silent. It was an embarrassing display from Dr Broad and we heard it again today.

In Corrections, I had the opportunity to outline the many budget initiatives. I look forward to their implementation, particularly regarding the considerable infrastructure spending for the Tasmania Prison Service. We saw inexperience on display again, suggesting I should intervene in leave arrangements -

**Ms Haddad** - No, we asked if you had intervened. It is very different.

**Ms ARCHER** - They have been in place and were handled under the same processes of governments past, under both Labor and Greens ministers.

**Ms Haddad** - We wanted to know if your office had been involved. We don't suggest that you should intervene.

**Ms ARCHER** - I want to make it through all I want to say in these matters. To suggest that I can intervene in the Integrity Commission -

**Ms Haddad** - It is not what we said.

**Ms ARCHER** - which is an independent statutory entity, that I can intervene on operational matters before the Tasmanian -

**Ms Haddad** - We said we would never support a minister intervening with statutory officials.

**Ms ARCHER** - There is a gross inconsistency, Ms Haddad. You cannot acknowledge that I cannot intervene and ask me to intervene.

**Ms Haddad** - I did not ask you to intervene.

**Ms ARCHER** - It is a bit of a hypocritical statement to make.

**Ms Haddad** - I asked if your office had been involved in cancelling the day release. That was my clear question.

**Ms ARCHER** - Despite saying they were the first advocate for prosocial programs, Labor, through Ms Haddad, seemed to be advocating for interference and for me, as the minister, to make operational decisions the TPS make on a daily basis.

**Ms Haddad** - Not true. Are you misleading the House?

**Ms ARCHER** - No, absolutely not. I refer you to many media articles quoting Ms Haddad's comment. It is grossly inconsistent. There are thousands of leave requests every year under sections 41 and 42, day leave matters before TPS. Much as they did for section 78, being High Court notices, Labor apparently wants the Attorney-General to be personally handling everything that crosses the desk of our already very competent professional departmental staff and TPS. A number of safeguards are in place to ensure compliance with prison external leave programs, including suitability and risk assessments, strict leave conditions, custodian supervision, as well as random and targeted checks by the TPS Security and Intelligence Unit.

I had the chance to speak to some of the many important policies and procedures of the prison, including our education initiatives and housing programs, but also lockdowns and other management tools relating to the issues experienced by the TPS on a daily basis, such as identifying and dealing with contraband. One particular education program that has been noted nationally is our participation with the University of Southern Queensland's Get Connected program, which provides computer-based online and offline learning opportunities and preparation programs to prisoners.

On lockdown, they are an unavoidable reality -

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

**CONSOLIDATED FUND APPROPRIATION BILL (No. 1) 2018 (No. 16)**

**CONSOLIDATED FUND APPROPRIATION BILL (No. 2) 2018 (No. 17)**

### **Reports of Estimates Committees**

#### **In Committee**

**Resumed from above.**

**Ms ARCHER** - Mr Chairman, as I was saying, lockdowns are an unavoidable reality in a modern prison system. They vary in length and may affect an entire facility or be limited to a single

unit. They can occur for a number of reasons, some of which are obviously beyond the control of TPS staff. They are an essential operational tool, utilised to ensure a safe and secure prison environment for prisoners, staff and visitors.

I also make reference to and clarify something about the Just Support Project Report raised by Dr Woodruff. I am advised that the Department of Justice, via officers of the TPS, contributed to that report as service provider reference group members to the project. The Department of Justice is aware of the recommendations and is continuing to consider them in a general review and development of prison and through-care programs. There is no doubt that Corrections attracts a lot of interest in the community with good reason. I am proud to be delivering, not only through the Budget, but also during a time of positive cultural change in our Tasmania Prison Service.

The Arts portfolio is a distinctly exciting and wonderful part of my role. Once again, I am proud of the investment this Government has made and continues to make in this area. I was disappointed that the new shadow minister, Ms White, seemed only to ask questions about the ABC, albeit an important corporation, but it is federally funded and doesn't form part of the state budget. I am not quite sure why questions came to me. Those questions should be appropriately dealt with in the federal budget context through Mr Fifield, who is the federal minister.

While as the Environment minister I am all for recycling, the repetition of questions from the previous committees I had held the day before with the other place, was somewhat disappointing. Ms White asked the very same questions her Labor Legislative Council members had the day before. Invariably she received much the same answers. It was a complete waste of the process.

It is disappointing that not only did the Leader of the Opposition not mention the Arts in her budget reply contribution, but she also came to the committee clearly underprepared and not knowing anything about the portfolio or the outputs that she was supposed to be scrutinising. Some facts are important in this portfolio. The rhetoric from those opposite is often incorrect and asserts so-called cuts to the arts sector. Under our Government there has been a steady increase in funding for arts grants programs since 2015. In fact, for arts grants programs 2017-18, there is \$3 162 776.

Finally, the important portfolio of the Environment. Dr Woodruff asked some interesting questions. While not always strictly about the Budget, she did broadly relate to the portfolio. The same cannot be said for Labor.

### **Time expired.**

[2.33 p.m.]

**Ms BUTLER** (Lyons) - Mr Chairman, I rise to speak on the change in 2014 when this Government cut the Climate Action Council. I know Ms Haddad raised it during Estimates. I do not want to take anything away from the existing Tasmanian Climate Change Office. They do a fantastic job and it is great to see an additional \$750 000 provided annually towards that group and the fine work they do. During Estimates Ms Haddad raised a concern about the independence of that group. One of the reasons the Climate Action Council was established in the first place was to ensure independence.

This week, the former Australian prime minister, Tony Abbott, came out against the Paris Agreement. In 2015, Mr Abbott announced the target Australia will take to the Paris talks and called the pledge responsible and achievable. He said -

It struck the right balance between our economic and environmental responsibilities.

This week Mr Abbott said that Australia should pull out of that agreement and -

If we had known then what we know now about America's withdrawal, about the economic damage that renewable energy, in particular, would do to our power system and to our industries, we would never have signed up. ... And now that we do know, we should get out, simple as that.

We need to maintain the independence of the climate action groups as we need to ensure that there is a body which is not prone to people like Tony Abbott changing their minds three years out. Maybe stopping the Climate Action Council in 2014 did stop the independence which needs to be provided on those issues.

Politics, unfortunately, plays a big part in climate policy. Business and lobby groups put on a lot of pressure. It is very important, especially when you have the former prime minister of Australia, who would still be able pull a fair bit of sway within Liberal Party ranks, talking about pulling out of something as important as the Paris talks.

I want to talk about community clean-ups. It is a great idea. There is a community clean-up group that works out of the Bridgewater, Gagebrook and Brighton area called the Bridgewater/Gagebrook Clean Up Group. They do a fantastic job. Most of it is done via donations and with help from Brighton Council. The concept is great - a combination of Police and Justice. It is a great idea to have Community Corrections undertaking those community clean-ups. Not only does it upskill those people in Community Corrections, it gives them something useful to do whilst they are in the system. It is an expensive system to implement and I am concerned about where the money will come from to fund those community clean-up groups. Will it be Parks? Will they be called in to help with the disposal of rubbish? Will it be local government, perhaps, asked to draw from their funds? Having a community clean-up group is a great idea. It is a good concept as long as it is well funded. Combining it with Community Corrections is a terrific idea, but safety equipment, clothing, tools and machinery are expensive. It all has to be adequately funded. I do not want to see pressure put on local government or Parks or other agencies to fund it and therefore making the community clean-up policy not work because it is not properly funded.

**Estimates of the Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Arts and Minister for the Environment agreed to.**

**Bills taken through the remainder of the committee stage.**

**Bills read the third time.**

## **HOUSING LAND SUPPLY BILL 2018 (No. 19)**

### **Second Reading**

[2.43 p.m.]

**Mr JAENSCH** (Braddon - Minister for Planning - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

In response to the Housing Summit hosted by the Premier on 15 March 2018, the Government committed to further actions to increase the supply of affordable housing. A key action endorsed by those attending the Housing Summit was the introduction of legislation to fast-track zoning changes for identified surplus government land to accelerate the supply of affordable housing.

While the Government continues to improve the state's planning system, there is capacity to streamline the rezoning of land that is considered suitable for affordable housing. Housing Tasmania is the government agency responsible for delivering affordable housing through the Homes Act 1935 and Tasmania's Affordable Housing Strategy 2015-2025.

This bill establishes an effective and appropriate process for rezoning surplus crown land and land owned by Housing Tasmania; for nominating specific planning provisions that apply to certain areas of government land; and for the transfer of any rezoned crown land to the Director of Housing to fulfil the affordable housing outcomes we seek.

Rezoning land requires a rigorous assessment process given its potential impact on property rights. Currently, the standard rezoning process, starting from the point of a request to a local council to initiate a rezoning to the final determination by the Tasmanian Planning Commission, may take longer than nine months. This bill maintains the same important considerations for assessing a rezoning proposal but does so in a time frame that could cut six months from that standard process.

The draft bill was released on 30 April 2018 for a two-week period of targeted stakeholder consultation which included the attendees of the Housing Summit, local government, state agencies, community housing groups, infrastructure providers and other organisations. The feedback received was constructive and of great assistance to the Government in framing the bill.

Madam Speaker, I will now like to make a few comments about the specific provisions of the bill. The bill provides that:

- the normal assessment processes for rezoning land under the Land Use Planning and Approvals Act 1993 will be overridden to enable the prompt but appropriate rezoning of identified areas of surplus crown land and land owned by Housing Tasmania;
- land targeted for rezoning will need to be suitable for residential development and the provision of affordable housing; and
- 'interested persons', including neighbouring landowners, local councils, relevant state agencies, service and infrastructure providers and other entities who may have an interest in the land targeted for rezoning, are consulted during the assessment process.

In determining what areas of surplus crown land and Housing Tasmania land are suitable for affordable housing, consideration needs to be given to the issue of access, including access to public and commercial services, public transport and opportunities for employment.

The bill also provides for housing land supply orders to be made by the Minister for Planning after gaining approval from both Houses of parliament. These orders will specify any zoning change to the surplus crown land or Housing Tasmania land. These orders will also specify specific planning controls that relate to residential use that will apply to the development of identified government land to enable the land to be more efficiently developed for affordable housing by

Housing Tasmania. An order will declare the rezoned government land, and other government land where specific planning controls apply, to be housing supply land, and the bill provides for this land to be made available for management in accordance with the Homes Act.

I emphasise that an order can only be made for a parcel or parcels of land if the Minister for Planning is satisfied that there is a need for land to be made available for the purposes of the Homes Act, and if the land is in close proximity to public and commercial services, public transport and places that may provide opportunities for employment. Also, the land must be owned by the Government. In addition, only crown land or Housing Tasmania land that is government land at the time this bill commences can be included on an order.

However, not all government land can be considered under this bill. The land must not be reserved under the Nature Conservation Act 2002 or managed under the National Parks and Reserves Management Act 2002 or the Wellington Park Act 1993. Further, the land must not be in a permanent timber production zone within the meaning of the Forest Management Act 2013 or be future potential production forest within the meaning of the Forestry (Rebuilding the Forest Industry) Act 2014.

A zone can only be applied if the land is suitable for residential use where certain prerequisites are met. These prerequisites are similar to those applied under the Land Use Planning and Approvals Act. This will ensure that any zone change as a result of a housing land supply order will follow a robust and appropriate planning process and not result in poor planning and community outcomes.

The affordable housing outcomes we seek through rezoning certain areas of government land under this bill will be delivered by the land being transferred to Housing Tasmania for management under the auspices of the Homes Act and in line with Tasmania's Affordable Housing Strategy.

The process of creating an order includes consultation with 'interested persons' and the tabling of the order in each House of parliament for at least five days. As I have outlined, 'interested persons' captures not only neighbouring landowners but also local councils, relevant state agencies, service and infrastructure providers and other entities. 'Interested persons' can make submissions to the Minister for Planning in relation to a proposed order and the order, when tabled in parliament, must be accompanied by all the submissions received, together with a prepared response to issues raised. An order cannot be made if either House of parliament disallows it during the five-day disallowance period.

To address concerns that land rezoned under this bill may not deliver a further supply of affordable housing, any land under this bill that is subject to an order will be vested in the Director of Housing and the director is to take all reasonable steps to ensure that housing supply land is applied for the purposes of the Homes Act. Given that affordable housing in Tasmania is delivered under the Homes Act, there is no need to replicate this operation as part of this bill.

The bill provides the ability to modify an order once it is in place. As with the original order, any amendment is subject to the scrutiny of parliament. The bill also provides the Minister for Planning with the ability to revoke a housing land supply order if the land has been developed for affordable housing or is no longer suitable for the provision of affordable housing.

Once an order is issued or revoked, the Tasmanian Planning Commission will be directed to amend the existing planning scheme to be in accordance with the housing order or revocation. The

commission will also have the ability to correct any minor errors or anomalies when finalising the amendment to the planning scheme. After the commission has amended the planning scheme, the Minister for Planning will notify the 'interested persons' that the amendment has been made; and give notice of the amended planning scheme in the *Gazette* and in the newspaper.

Importantly, the bill contains a restriction on future actions in relation to housing supply land in that the land cannot be further rezoned without the permission of the minister of the day. This ensures that land deemed appropriate for affordable housing cannot, at a later date, be rezoned without the minister's approval. However, once the land ceases to be housing supply land, any future approvals would be made in accordance with the land use planning processes under the Land Use Planning and Approvals Act. The bill will provide an opportunity for the early application of the State Planning Provisions to land which has been approved as being appropriate but to which the provisions do not yet apply.

This bill has been significantly revised from the initial draft bill that was circulated for targeted stakeholder consultation in late April and the Government has listened carefully to the very constructive feedback that was received. This refined bill delivers on what the Government committed to do - to fast-track zoning changes for identified surplus government land - and the Government has achieved this without compromising the existing land use planning considerations. The bill will ultimately deliver a greater variety of options for Housing Tasmania to roll out affordable housing faster. At the same time, it is important to understand that the bill provides a medium-term solution by making additional land available for Housing Tasmania to deliver its affordable housing programs.

Many of the factors that affect housing affordability are driven by factors outside the control of the planning system. Therefore, the planning system and this bill alone will not solve the current housing affordability issues Tasmania is facing. However, it forms part of the Government's multi-pronged solution by helping to ensure there is a sufficient supply of appropriate land available and a variety of affordable housing options for Housing Tasmania to deliver its programs through Tasmania's Affordable Housing Strategy.

I also note that the Government is committed to undertaking further work to examine how dwelling density can be better provided for in the planning system, how affordable housing can be better provided for in the planning system and how subdivision implementation can be better provided for, including by potentially reviewing and amending relevant legislation.

In conclusion, the bill provides a streamlined process to rezone appropriate surplus crown land and land owned by Housing Tasmania, as agreed by the participants at the March 2018 Housing Summit. It provides for consultation with 'interested persons' and a detailed assessment of the identified government land to ensure its suitability for residential use. The bill delivers on the Government's commitment to accelerate the supply of affordable housing by increasing the supply of land deemed as being suitable in accordance with the Homes Act 1935 and Tasmania's Affordable Housing Strategy 2015-2025.

I commend the bill to the House.

[2.54 p.m.]

**Mr O'BYRNE** (Franklin) - Madam Speaker, I indicate at the outset that we will be supporting the bill. We foreshadow, dependant on some answers from the minister, there may be some minor

amendments. I foreshadow that we will touch on those later. My colleague, the member for Franklin, Ms Standen, will be raising a couple of questions for you.

In supporting this bill we must acknowledge the source of the problem created by this Government and the reason we are here. We are here because, in the words of the minister, the Government has been caught napping. There have been significant cuts to the Housing budget over a number of years. There have been some major changes to regulation or non-regulation of the sharing economy across the state, particularly in Hobart. There has been a major challenge for people in gaining access to affordable housing in Tasmania. This bill is a sad reflection on the Government that it has had to bring this in in such a manner because of the decisions they have made in their budget and the allocation of public housing. The lack of affordable housing options for Tasmanians has meant we are in the crisis that we are in.

For me, a summit is a couple of days' meeting. A three hour summit is more like a long meeting. Whilst we welcome the opportunity and I am sure that a number of players, the not-for-profit sector and other levels of government, welcomed the summit, a lot of the topics were very familiar to the participants in that summit. The issues raised and the problems identified were rarely new, apart from a discussion around the sharing economy and the impact it has had.

At times, there are unintended consequences when decisions are made. We could have predicted, given the nature of the squeeze in short-term accommodation, hotel accommodation and the lag between demand and supply in the market, that when you deregulate to the extent the Tasmanian Government has with the sharing economy, it would create a distorted outcome because of the basic supply and demand in the tourism industry and their needs.

Knowing that is the case, having such light-handed regulation has caused a perverse outcome for the Tasmanian community in people accessing rental accommodation. That has had a knock-on effect on affordable housing and the ability of people to put a roof over their heads. It has not gone away and the minister acknowledges it has not; families, couples or individuals in dire circumstances in their ability to access secure housing. It is not only temporary housing. The services that provide short-term temporary housing are being inundated and are under enormous pressure. People are finding gaining access to 12-month, 18-month, or two-year or multi-year rentals, even in the outer suburbs, is becoming increasingly difficult. In going around the communities I often hear that we are seeing significant increases in rent - \$50 per week or \$75 per week - for rental houses and properties over the last six to nine months. In the areas I was doorknocking it is a significant impost on those people renting those houses and it has effectively meant they are priced out of the market.

We know there is an appalling set of circumstances in Tasmania. Sadly, this bill is a necessary response. Unfortunately, this bill could have been avoided had we done more work earlier to avoid the circumstance we are now in. We know this is a heavily amended bill compared to the bill that was put out for limited consultation. It was not public; it was consultation with a range of stakeholders. The original bill had some significant challenges to it. We have seen the submissions from individuals and local government areas, councils, the Australian Institute of Architects, the Planning Institute of Australia, TasCOSS, the Environmental Defenders Office, Shelter Tasmania, TasPIN, the Local Government Association of Tasmania, the TFGA, Anglicare, HIA and TasWater put in submissions. Universally, their view of the first draft of the bill was that it created some potential and significant problems in coping and dealing with the immediate challenges and that it could have a significant knock-on impact.

One of the consistent issues raised in the submissions was how you define affordable housing and how you deal with the temporary emergency relief aspects of the original bill. We acknowledge the Government has taken on board a significant amount of that feedback. Therefore, we support the amended bill. I will flag the potential of some minor amendments dealing with the role of the Director of Housing in two elements of the Housing Land Supply Bill 2018 (No. 19). There are a number of questions raised by this. We need to acknowledge, when dealing with affordable housing and issues of ensuring Tasmanians are able to access housing stock, this is not the only solution.

In terms of the identification of Crown land, inclusionary zoning is a key element in dealing with affordable housing for Tasmania. Other states have adopted inclusionary zoning and we raise this. The minister is nodding. We had an exchange about inclusionary zoning in the Estimates process last week. The Labor Party is strongly of the view it is something the Government should consider. It is a reasonable measure to ensure that land and developments deal with a range of housing options for Tasmanians. At one end of the housing spectrum, for people who are struggling to get into the housing market or struggling to get into affordable housing, it is a land use planning intervention by government. It mandates and creates incentives, so a proportion of residential development will include a number of affordable housing dwellings.

As part of the planning process, there are two primary approaches. One is building, and that is a mandatory model as a condition of planning approval, which requires a number of affordable homes to be included in developments. Under inclusionary zoning, the number of affordable homes a developer is obliged to build is determined by either negotiated agreements made between developers and the planning authority during the planning assessment process, or fixed requirements specified as a proportion of housing or development value. The second approach I have touched on is the voluntary incentive model, in which new affordable housing is encouraged by reducing the costs of a developer. There are a number of measures in the voluntary incentive model that could be adopted to encourage that kind of development. We urge the Government to consider that.

We have a number of questions about the setting up of the bill. If the minister is able to provide answers, that would assist us. In zoning, with the assessment of Crown land made available for this process, if the minister could clear up whether DHHS land was excluded from that audit. It was land not owned by Health and Human Services. We would appreciate if the minister could explain why that was excluded and if it was excluded, the justification and the reasons for that.

There are a number of questions I will work through. We know that a number of the organisations that were consulted on the draft bill and supported the subsequently redrafted bill, for example, Shelter Tasmania, has called and will continue to call for a solution to the current housing crisis to be a priority across all government portfolios and for affordable housing to be embedded in the state planning system. So it is not just the Labor Party calling for inclusionary zoning - you have key stakeholders calling for an inclusionary zone.

I will work through my questions one by one and maybe you will be able to provide answers.

How many houses do you think will be delivered under this process? Do you have an understanding of how many parcels you have identified that will be brought to parliament for rezoning this year? Given the urgency of the problem, how many parcels will be brought together this year and potentially over the next two years? That would give us an indication of supply and the kind of numbers we are looking for. We also understand that rezoning through parliament could take longer in some areas and ask for some assurances from the minister that this will speed up any

process about orders and amendments to orders potentially. Does the Government have plans to apply fast-track rezoning to privately owned land, so if a private developer comes to you and says, 'Here is a parcel of land which we think would work well in concert with the crown land that has been identified for affordable housing mix', will you apply fast-track rezoning to that?

**Ms O'Connor** - Would this legislation give that power? I don't think so.

**Mr O'BYRNE** - No, but in terms of the housing strategy. These are small parcels of land. It will take some time. There is a whole range of parcels of land that we know, particularly if you have inclusionary zoning. You have the northern suburbs rail corridor, you have Inveresk and UTAS projects in Launceston; there is land that could potentially be identified that is not in what we have seen of the current audit. We know that there are proposals for major development across the state. There is Kingborough and the high school area that is being redeveloped. We want to know if there is a broader strategy beyond the narrow assessment of the crown land parcels that have been identified. Could the minister indicate to us his view on that?

You have allowed only five days for a disallowance period. I understand the nature of the urgency for this but there are a whole lot of other steps and this is just a small step in the period. Does this need to be extended to allow further consultations with members of parliament and local communities? MPs across both Houses need to be fully aware and have enough time to consider the parcels, consult with local communities and, potentially, other people who have a view on the use of that land.

Land not utilised can be given back to the Crown from the Director of Housing after 10 years. Does the minister anticipate this will happen? If he does anticipate that might happen, it begs the question about the suitability of the land identified. It would be good to get an understanding of whether he thinks it is likely or not. Will the land identified also be given away as part of another stock leverage program? We will seek some advice from the minister on that.

There is also a question about transferring a lot of the responsibility across to the Director of Housing. Will the Director of Housing be left to maintain land liabilities, like landslips or bushfires, et cetera? Has there been a consideration that Treasury will assist in these instances? The last thing we would want is for the Housing department, which we believe is already under pressure resource-wise, to be given the responsibility of land and therefore extra responsibilities that are inadvertently beyond the control of the Director of Housing. Can the Director of Housing hand back land to Treasury for disposal for other use at any time? It is around the power of the Director of Housing, once the land is transferred to them, what they can and cannot do with it and what they are able to do, given that the basis of this legislation and the power to hand over those parcels is purely around ensuring there is more affordable housing stock in the market. That is something we are very concerned about.

In clause 6 you talk about intended zones in housing land supply areas. You refer later in the bill to local planning schedules but, as you know, not many have been lodged and they are still working through the process in the resources and policy unit at the Tasmanian Planning Commission. It would be good if you could give us some confidence that resources will be applied if required to resolve issues with local planning schemes or the statewide planning provisions to ensure there is a speedy resolution with them. I know there is a hierarchy of authority there.

Regarding clause 14, revocation of a housing supply order, I asked about the 10-year period. If you could talk more in terms of your view of how that clause would be used and in what instances

that would be appreciated. Clause 17 refers to reasonable steps to ensure the housing supply is used for the purposes the Homes Act. If you can outline what those reasonable steps are, that would be of assistance.

Clause 20 refers to alterations to planning provisions in relation to the housing supply land. That goes back to my question about the local planning schedules and the current local provisions. Under the clause, the commission has a minimum of 14 days to make the necessary amendment. Is that a reasonable time line for the commission to make the amendment in terms of their ability to get that done and what impact may that have? Perhaps you can talk us through why the 14-day mark has been identified.

There are quite a few questions there to go through but we foreshadowed a potential amendment which my colleague, the member for Franklin, may raise depending on your response on a couple of issues.

[3.14 p.m.]

**Ms O'CONNOR** (Denison - Leader of the Greens) - Madam Speaker, I indicate that the Greens will be supporting this legislation. We have received a very thorough briefing from the head of the Planning Policy Unit and the secretary of the Department of Justice and their adviser. We have been walked through the clauses in the bill. On behalf of the Greens I am comforted by that briefing because we raised a number of the questions we had in that briefing. However I still think there are some issue the minister needs to flesh out on the Floor of this House, particularly the issue around Shelter's submission and the call for a percentage of the land which is the subject of a land supply bill to be mandated affordable.

One of the problems with the legislation is the lack of a definition of affordable housing. This is an issue that we raised in the briefing and has also been raised by Shelter Tasmania. While it seems like we are being pedantic over something which should be bleeding obvious, affordable housing has a range of measures that define it. I acknowledge that a number of Shelter Tasmania recommendations have been incorporated into the final bill. Shelter Tasmania's submission to the original draft legislation stated -

It is widely accepted that housing is affordable when low income households - that is, the lowest 40% of income earners - pay no more than 30% of their gross household income on housing (and where housing costs are not unreasonably added to through the imposition of other transport, energy or home maintenance costs).

While the Homes Act of 1935 is nice, antique legislation that has been renovated from time to time it does place a set of expectations in law around the Director of Housing's powers and responsibilities.

I acknowledge that in the final draft of the bill it is taken as a given that we do not need to define 'affordable housing' in this legislation because of the provisions within the Homes Act of 1935 which requires certain imperatives and actions on the part of the Director of Housing. Given the other definitions that are included, having a definition of affordable housing - affordable rental housing or an affordable home to purchase - would be helpful. The recommendation in the Shelter's submission is that the bill include definitions of affordable rental housing and affordable home purchase housing -

Affordable rental housing - meaning housing that is owned and/or managed by a public housing authority or a registered not for profit or community housing provider; and

Affordable home purchase housing - meaning housing that is offered for sale for purchasers who are eligible for the State Government's HomeShare program.

I encourage the minister to explain why there is no definition of affordability and then brace himself for some possible amendments upstairs to include that definition of affordable housing.

As we know, Tasmania is enduring a housing emergency which has been unfolding for the past four or five years. There is no question that more people are living in and visiting Tasmania. There is also no question that rents are soaring, as are house prices. If you talk to young people today, they have almost given up on owning a home. To a person who is just starting university who looks at the real estate market and recognises that the suburb that they grew up in has quite modest houses selling for six, seven, or eight hundred thousand dollars, young people are highly dissuaded from the hope of home ownership. That is regrettable. There are fixes at the national level which must be delivered in order to stop this seemingly never-ending rise in house prices. Negative gearing and capital gains tax means a person buying their tenth investment property actually receives more assistance from government than a person buying their first home. You know there is a problem with the system when that is happening.

While we acknowledge the wealth of baby boomers, and probably the gen Xs to an extent, a lot of the wealth is captured in their homes. For the gen Ys and the gen Zs, it is a totally different picture. It requires of us as a parliament, and of the federal parliament too, to acknowledge that you cannot keep pumping up a housing system that is shutting people out of the market. It is leading to soaring house prices and is creating distortions in the supply and the demand of housing. As I said before, the housing market right now is much more favourable to investors than it is to people who are hoping to buy a home.

We have also heard that rents are soaring through the roof. Very modest family homes have rents of \$800 and \$900 or \$1000 a week. A few years ago if we had been talking about these sorts of rents in Hobart, people would have shaken their heads in disbelief. They are quite standard rents now. There is a range of reasons for that. One of them is the shortage of supply and another is the short stay accommodation market. Landlords can say to tenants that they are going to bump the rent up. 'Yes, we know it is a 60 per cent increase in your rent but it is really hard for us. Either you pay that rent or we put the property on the short stay accommodation market and make double that in a week'. It is creating situations where tenants are living in fear of losing their homes.

The Residential Tenancy Act 1997 provides woefully inadequate protections for tenants from landlords who are profiteering. There is nothing anywhere that I can find, other than looking at what market rent is - and the market rent keeps going up - that places any level of restraint on landlords who are raising the rent. That is why our policy is the same as the policy that has been introduced in the ACT by a Greens housing minister, which is to cap rents at CPI. If a landlord has a rental income, the cost of living goes up and the rents may go up to the metric of CPI. At the moment, there is nothing like that. We have had reports from the Tenants' Union of tenants copping 60 per cent and 70 per cent increases in their rent. This is in the private market, minister, as I am sure you are aware. We should not be creating a situation where investors are able to profiteer at the expense of some of our most socio-economically disadvantaged people. As Shelter Tasmania says, the lowest 40 per cent of income earners are renters and that creates enormous stresses.

The state Government's role, I believe, is to have good policy in place that protects tenants and makes sure that people are not being either driven into further poverty or evicted into homelessness. There will need to be a discussion in this place at some point about how we rein in rents a bit because they are becoming increasingly unaffordable.

Even if young people could find somewhere to share as a home, the rents that are being asked now are an impossible ask. If a person is studying, they do not have a capacity to earn significantly. If they have moved out of home or from Bothwell to study at TAFE or at university it is very difficult to find an affordable home.

The state has to look at rents and a capacity to rein them in. The state has to also get on top of the short stay accommodation market. We cannot continue to let whole homes disappear out of the supply of affordable housing in Tasmania. This policy is supported by the Tenants' Union of Tasmania. Shelter Tasmania recognises that there needs to be some restraint on the short stay accommodation market because it is locals who are missing out.

The waiting list for social and affordable housing, according to testimony given by the minister at Estimates last week, is around 3190 people. The majority of them are high-priority applicants and there will be among that cohort of people individuals, couples and families who are sleeping at mum's house, or in a tent at the showgrounds, or just making do in desperate and stressful situations.

This legislation's intent is very sound. I recognise that it replicates in part some of the mechanics of the planning system process, with particular powers given to the Minister for Planning.

The first question was about the request from Shelter Tasmania for there to be a certain percentage of the property made affordable. The second question was why there is no definition of 'affordable housing'. This is not casting any aspersions on anyone in a role, but the concern here is that you are taking public crown land and moving it over under the Director of Housing. Let us depersonalise this. I recognise that Peter White is an excellent Director of Housing, but you cannot make law based on the character of a person in a job at a time. So land moves from Crown Land Services, becomes housing supply land and sits under the Director of Housing for a minimum of 10 years if it is not developed.

If we do not have a definition in the act of 'affordable housing', how can we be absolutely sure that we are not going to be looking at measures that increase the supply of housing but not necessarily the supply of affordable housing, where it is private developers and for-profit providers who are gaining the most out of the provisions in this legislation? The minister should accept that if you have a definition of 'affordable housing' in here, it provides that extra protection. The Homes Act 1935 states as its purpose to provide or to enable the provision of housing assistance to eligible persons and to assist in the provision of housing support services to eligible persons. Eligible persons are people who are living on low incomes and in housing need. We would like that reassurance from the minister.

We would also like the minister to further flesh out those provisions in the legislation about determining what areas of land should become housing supply land. The bill says the minister must not make housing supply land where there is no access to transport and services, so we are not repeating the mistakes of the past, and every person in this place knows what those mistakes were. Despite all the best intentions, 30 years or 40 years ago when governments actually built stuff, they created pockets of disadvantage because of the location of social housing developments and the fact

they were often put out on the edges of urban boundaries with insufficient access to transport and services. The minister has to be satisfied of certain matters regarding the land prior to making a declaration and that the area of land is suitable for residential use and/or development, having regard to its proximity to services and employment opportunities. By services, I presume we also mean schools, education services, those sorts of services.

**Mr Jaensch** - Yes, and shops, doctors, recreational and educational work opportunities - and libraries.

**Ms O'CONNOR** - Thank you, minister. I note that the legislation requires adherence to state policies. Although there has been a move away from state policies under recent governments, they are a very important planning tool and are rightly pointed to in this legislation. It has always been somewhat perplexing to me that we have these outstanding state policies, like the State Policy on the Protection of Agricultural Land, and the State Coastal Policy of 1996 which, in its intent, is a fine state policy but it lacks teeth. I have always been perplexed about where they stand in the planning system. Sometimes decisions are made by planning authorities that do not seem to comply with state policies. I am particularly thinking here of the State Coastal Policy. We should be able to say as a state, 'Your development application is in breach of the State Coastal Policy, don't bother'. If only we could say that to the proponents of the proposed Cambria Green mega development on the east coast, which surely is in contravention of the State Coastal Policy and probably in contravention of the State Policy on the Protection of Agricultural Land.

The Shelter Tasmania submission also suggests there be a four-year sunset clause. I see that what we have here is that the powers delegated to you lapse after five years and the land that moves from crown land to housing supply land returns to Crown Land Services if it hasn't been utilised for affordable housing purposes. Is that correct?

**Mr Jaensch** - I missed the question.

**Ms O'CONNOR** - I am just wondering why the four-year sunset clause was not adopted. If you could explain that it would be helpful. Many of the questions we have come out of the submission from Shelter Tasmania and comparing and contrasting them to the final bill. With those few words I will sit down and we will make a decision about whether we need to go into Committee on the basis of how the minister responds to the questions that have been raised.

[3.33 p.m.]

**Ms STANDEN** (Franklin) - Madam Speaker, I rise to speak on the bill in support of the member for Franklin, Mr David O'Byrne, and our shadow minister for housing in the upper House, the member for Elwick. Labor will be supporting this bill because we support measures to increase housing supply faster, but we have some questions and reservations in respect to the bill.

I understand that the initial draft bill was out for a two-week time frame for submissions and there were a number of submissions put and I have personally been involved in some briefings with LGAT and Shelter Tasmania. I understand that most, if not all, of those reservations and concerns have been listened to by the Government. I congratulate the minister for taking that step. A two-week time frame for submissions was an ambitious undertaking. I understand the intent the Government has in responding quickly to this situation and the undertakings made at the Housing Summit earlier in this year. There were significant reservations about the initial draft bill put forward for consultation. I had reservations, too. The redraft is a substantial improvement. Those

key stakeholders, Shelter Tasmania and the Local Government Association in particular, are in support. Labor is in support of the bill and its intent.

I feel this is a perfect storm in housing supply. I am not putting all of that blame at the feet of the Minister for Housing, and Planning. There are a number of prevailing market conditions, et cetera. A helpful report was put forward by the University of Tasmania's Institute for the Study of Social Change and gave estimates in respect of housing supply and Airbnb. I found it interesting reading that housing supply had declined by 24 per cent in Tasmania in 2016-17 and there was an estimated reduction in completions of some 220 residential dwellings in the Greater Hobart area relative to the five-year average. It pointed to shortage of construction workers as a possible break in supply. This broader question of public housing supply needs to be seen in the context of the greater market conditions. The member for Denison, the Leader of the Greens, talked about public housing waitlists of some 3500, significant issues of homelessness and we can all agree it is difficult to quantify. The member for Denison was talking about the inadequate protections of the Residential Tenancy Act for those in the private rental market.

It is worth revisiting that data of growth in Airbnb and other short stay accommodation. We are in an urgent situation now. The Government could have seen this urgency coming for these past couple of years, at least. The growth in Airbnb from that same university report from July 2016 to February 2018 shows growth in total Airbnb listings increasing well over 150 per cent. The largest increases within that market were entire home or apartment listings of some 244 per cent growth over the period in the Hobart LGA, from 250 to 859 listings, and 212 per cent growth in the Greater Hobart area and 184 per cent growth across the state.

Although there is an acute focus on housing and homelessness in the Greater Hobart area, it is by no means limited to that. We are seeing the beginning of an explosion statewide and it is a pity the Government did not seize the opportunity a few short weeks ago to support a motion to enact a pause on short stay accommodation in order to assess the situation. The result was to extract a deal for greater data, but I feel that in this unregulated market that has really grown in such a short time, we are in uncharted waters. It was imprudent for the Government not to take that opportunity to put the brakes on while we assess the impact of that sector on housing and homelessness within Tasmania.

The other context is the statewide planning scheme and the Government's inability to deliver that in partnership with the local government sector. Together with the public housing waitlist and the private rental situation and construction, all these things came together in a perfect storm. It is a pity there has not been greater action in the last couple of years.

I note the member for Denison's comment in relation to a definition for affordable housing. I remember a discussion with the Local Government Association and/or Shelter Tasmania about that. My understanding is the redraft of the bill has substantially addressed that matter. I am interested in the minister's comments. There were significant concerns from the outset. It may be difficult to define affordable housing but it would be useful in the context of this bill.

I will move to our concerns with this bill. The intent seems to be to fast-track the process for land supply and the expected reduction in the time frame is, at a current estimate, nine months down to three. I have my doubts, from the representations made to me; I am not sure it will be the case. With 14 days of consultation by interested parties, each application needing to go before parliament, tabling of the order for each House of parliament for at least five days with accompanied submissions from interested persons, the order cannot be made if it is disallowed within five days.

Only five days for a disallowance period seems like a short time for me. Is it overly ambitious? I do not know. Does this need to be extended to allow further consultation for MPs with local communities in some instances? I am interested in the minister's comments.

This is uncharted territory in respect of MPs across both Houses of parliament becoming decision-makers in this way. I understand orders can be amended but still require parliamentary scrutiny. That is good, but orders can be revoked by the minister. All these things - my relative inexperience in this place and the procedural elements of that, and from the representations made to me - indicate that three months seems very ambitious.

I wonder whether the Government has given due consideration to other solutions. The member for Franklin, Mr O'Byrne, talked about Labor's position on inclusionary zoning. Labor is on the record for having an ambitious and bold plan for inclusionary zoning. Labor is open to exploring new and innovative opportunities to have people housed, and encouraging neighbourhood renewal projects that promote medium-density housing and social mix to better reflect surrounding communities. We outlined the possibilities for the northern suburbs rail corridor as an ideal location; being affordable, close to services and employment opportunities, and we feel that rezoning the corridor to residential land use would not only increase housing stock supply but have flow-on economic benefits to the northern suburbs. A Labor government would immediately move to rezone that rail corridor in Hobart's northern suburbs to unlock that significant social and economic opportunity.

We have written to the Housing minister to offer bipartisanship on a range of issues in respect of housing affordability and homelessness. This would be something we would like to see the minister and the Government embrace because we feel there are two primary approaches to building affordable housing, the first being a mandatory model, and the other being a voluntary incentive model.

In a mandatory model there would be a condition of planning approval for inclusionary rezoning requiring a number of affordable homes to be included in developments. The number of affordable homes a developer would be obliged to build would be determined by either negotiated agreements made between developers and planning authorities during the planning assessment process or a fixed requirement specified as a proportion of housing or development value.

The second approach would be a voluntary incentive model, where new affordable housing is encouraged by reducing costs for developers with incentives like modifying planning standards based on performance criteria, bonus systems which relax specified development controls, particularly height, density, setback or parking controls, in exchange for constructing dedicated affordable housing.

Third, there would be planning process incentives where projects that include affordable housing attract special treatment in the planning process. This could include fast-track approvals, reduction exemption or refund of application fees, infrastructure charges or rates.

These are areas in respect of inclusionary zoning that Labor is very keen on exploring in partnership with the Government with the intent of improving housing affordability and supply. We feel that this would be, in the medium term, a much more comprehensive solution to the pressure we are experiencing in the housing market in Tasmania today. Notwithstanding the intent of this particular bill, it would be good to see the minister and the Government contemplate broader initiatives like that, so I will be interested in his views.

The issue, as I understand it, is that most of the prime land for residential development is privately owned or not zoned correctly. I mentioned the Hobart northern suburbs rail corridor but there are others such as Inveresk with the university. Projects such as these could be assessed for social outcomes, urban renewal and potential transport solutions. I am interested to see a broader, more strategic approach to tackling this significant issue.

In respect of the bill, we understand that only crown land and Housing Tasmania land can be included in an order and, even then, not all crown land can be included. As I understand it reserves, parks, forestry land, et cetera, would be out of the question. I was not here for the second reading speech but the draft talked about ruling out the Government having plans to apply this fast-track rezoning to privately owned land. I would like to hear the minister rule this out or say whether that is in scope and whether it is on his mind in terms of future amendments.

Where I am going to with these suggestions is, what is plan B? This is plan A in respect of housing supply. I wonder what plan B is. If it is not inclusionary zoning then would you be looking to push the parameters of this bill in future in order to get the outcomes you are seeking?

I understand we are talking about up to a 10-year time frame for parcels of land transferred to the Director of Housing. It seems to me that the problem we are facing now is acute, it is not in 10 years' time. Well, it probably will be in 10 years' time as well, but I am interested to see what accountability mechanisms there would be for us scrutinise the outcomes of this bill in the very short term. Would the minister contemplate, for instance, ministerial statements from time to time, or monthly updates to the House? We would be interested to know how we can be assured that the policy intent of this bill comes into effect.

What assurances can the minister provide that, once transferred from the Director of Housing for development, what is to say that property developers could not bank this property and sit on it for any period of time to await more favourable market conditions, be it finance or whatever, in order to slow things down? That is contrary to the intent of this bill, which is to transfer this land, get it developed as quickly as possible and build actual homes for actual people to live in. How can we ensure that the private market cannot intervene in that process and inadvertently provide brakes to slow down, subject to their will?

On the point of metrics, how many houses will this deliver, how much land, how many parcels would be brought to parliament for rezoning this year? I understand there has been an audit of crown land for broader purposes. I do not think the audit necessarily applies exactly to this bill, so what further work would the Government need to undertake in order to identify suitable parcels of land? How much do you think would be brought to the parliament for rezoning this year and next year? I am getting to how we can quantify and understand the metrics and the outcomes of this bill so we can all be assured we are tackling the problem that was intended. I mentioned the backup plan before. Is there a plan B if this does not bring about the intended outcomes?

The member for Denison spoke about a possible sunset clause. My understanding from the briefing I received is that it is possible that the application of the Land Use Planning and Approvals Act may provide for that. I must admit I am somewhat confused and am interested in the minister's explanation in respect of that.

The member for Franklin foreshadowed that we may have some possible amendments. I will just briefly move to those. In relation to the time frame for development, clause 9(1)(a) and (b) go to this and we have a possible first amendment that would add paragraph (c) to that and it goes to

the Director of Housing stating the intended use of land, the land suitability and the time frame for the intended use. I have some suggested wording if we move into Committee, subject to what the minister has to say about this, and we could talk that through in further detail. Really what we are trying to get to in respect of this amendment is whether the Director of Housing can from the outset provide some assurance that he or she indicates the intended use of the area of land, the suitability of the area of land for its intended purpose and the time frame for the intended use of the area, and such endorsement has been received by the minister.

The second possible amendment would be inserted between clauses 18(1)(b)(ii) and 18(2). We would be looking to insert a clause 18(2)[TBC]. If we go to Committee, I will explain that by tabling a possible amendment after speaking it through today, to test out your reaction to the intent. We are interested in whether the minister would be open to some provision that would allow for former Crown land to be transferred back to the Crown if it is not developed within a 10-year period. Our concerns are, if conditions change or if there is a national disaster, it goes to the maintenance and liability obligations of Housing Tasmania to maintain the land over the period.

**Mr Jaensch** - It is already in the act. I am happy to seek clarification of that.

**Ms STANDEN** - The minister is indicating he could be open to that or it is already within the act. I am pleased to hear that reassurance. Given the reduction in the housing maintenance budget in this financial year, is there a need for an amendment to state that if the Director of Housing declares the land unsuitable or unfit for its intended purpose at any time, could it be transferred back to the Crown in the event of landslip, natural disaster, change of budget conditions, an out-clause for Housing Tasmania in that it is not saddled with ongoing debt and obligation for maintenance, liability, rates, taxes, et cetera.

I commend the Government for bringing this bill forward. As with any measure that improves land supply for affordable housing, brings about more public housing, to put roofs over people's heads - provided we can quantify that and we can be satisfied there are no unintended consequences and the time frames and mechanism are right - Labor will be supporting this bill. We see it as a helpful contribution in tackling a problem. It is somewhat later than we would have liked but it is not always easy to completely foreshadow market conditions. It is important to be ahead of the game. This is one step in the right direction.

[3.59 p.m.]

**Mr BROOKS** (Braddon) - Mr Deputy Speaker, it is a wonderful opportunity to speak on positive legislation and agenda. It is good to see members on the opposite side of the Chamber supporting this bill. This is important legislation. What it underpins is our ability and the minister's ability and willingness to listen and engage with the community and to act on what the community needs. There may be some things I will say that some members may disagree with around the market growth and some of the consequences of economic growth and that there is now a transition within the Tasmanian economy. It is now being seen for what it is. We need to create more opportunities for housing. It is a commonly agreed fact, and not only in Hobart.

There is a growing demand across the state. For example, I spoke to a principal real estate agent in Devonport a couple of weeks ago. She said it has never been like it is now. It is a remarkable turnaround for Tasmania. I am not going to make this a political argument amongst the parties as I do not think it benefits anyone, given the indication that the coalition opposition parties will support this legislation. This is a reflection of demand and growth in the economy. There are fewer people moving away, so there are more people staying. There are more people moving here,

which has created a greater demand for housing. Mr Deputy Speaker, as you would know, you are a businessman and a teacher, well qualified across the fundamentals of the market and economy. Without going into a debate on free markets because I do not believe there is an absolute free market anywhere in the world - even when I have arguments with university students when they invite me to talk to their business classes, I talk about the economic units and they say, what about free markets?

**Ms O'Connor** - Are you teaching university students?

**Mr BROOKS** - No, I come in and they ask me to go through my experience. I am not a teacher.

**Ms O'Connor** - I see. I am just checking.

**Mr BROOKS** - I am asked to join some high schools, TAFEs and university courses to explain things I have learnt that work well in the business sector. I am more than happy to admit I have not got everything right in the business world during my business career. I have a few I will put down to experience. It has cost me a bit of dough but I did a few things right, too. That is part of the reality of the private sector. You do end up wearing the consequences. Unfortunately, if you are wrong it can have consequences on other people's livelihoods and on their circumstances.

Without moving off track on this bill - I have been distracted already - one of the most challenging things you are ever going to have to do is sit down and tell somebody there is not going to be a position for them within an organisation or a business, or you are going to have to wind an entity up. It is something I have had to do. I have had it done to me as well. I know the feeling. It is something I never like doing. When you make decisions like that, you have to do it for the benefit of the whole entity. There are so many occasions in which you hear people say, if it was that bad why did you not do something about it? If you leave it too late and you do not act quickly enough in making those changes, it can bite you on the backside.

I have learnt from experience in the private sector. Prior to my parliamentary career, markets have changed and with companies I have either owned or managed, we have not changed quickly enough with that market. The consequences were bigger than what they should have been because we were not quick enough to adapt to the changing environment and market.

I do have a point and I am getting to it. What I am talking about is that a change in the market, whether it is the private sector or in the business community, or even in the economy as a whole, has an impact on a lot of people. You have to adjust to it. Sometimes people blame circumstances for outcomes that are not exactly accurate. For example, I have heard some people say that Airbnb has been the cause of housing shortage and driving rents through the roof for anyone and everyone. I do not believe that to be true. I believe that the Airbnb market was a reflection of demand from that market.

As I said earlier, I do not believe that there is an absolute free market anywhere in the world. All governments of all colours, of all shapes, of all countries and of all jurisdictions have taxes, tariffs, barriers, restrictions, requirements and levers they pull to manage the circumstances they find themselves in. The secret to that is whether you react too quickly to those changes in circumstances and you then have unintended consequences.

The other side of it is, if you do not react quickly enough then it can also have worse flow-on effects and more devastating impacts across the board for more people. It is a very important aspect for people to understand. People who are making decisions and people who are looking at the circumstances as a whole need to make informed decisions that look at not only the short-term immediate issues but also the medium- and long-term impacts and the unintended consequences of those decisions.

From a business point of view, I have had it wrong before, I have had it right before, and I have learnt from it, as I think we all do. I doubt there would be anyone in this Chamber who has not had something wrong in their life ever, but it is what you do with it and take from it. Some of the blame for the housing shortage on one specific initiative, such as Airbnb for example, is unwarranted. I do not think it has caused some of the issues that we have seen.

**Ms O'Connor** - The university disagrees with you, Mr Brooks.

**Mr BROOKS** - That is fine - they can. That is the great thing about our society.

**Ms O'Connor** - The university has the data and the evidence, which makes what you just said implausible.

**Mr BROOKS** - I do not believe Airbnb has created the shortage in housing that we are now seeing.

**Ms O'Connor** - No, it has not created it, that's right. But it is a factor.

**Mr BROOKS** - That is what I am saying. I did not say it was not a factor. Ms O'Connor, what I said was that it is not the reason we have those circumstances.

**Mr O'Byrne** - Do you acknowledge that it is a contributing factor?

**Mr BROOKS** - It could be. I am not going to say. I am by no means an expert on Airbnb. I do not own a property on Airbnb and I do not use Airbnb. The people I talk to who are probably more informed on Airbnb than I am, suggest that is probably not the cause of a lot of the housing issues that we have.

**Ms O'Connor** - Is this your mates down at the pub you talk to?

**Madam SPEAKER** - Order.

**Mr BROOKS** - Ms O'Connor, I talk to a multitude of people - some in business, some not in business and some in the pub. Yes, I do have mates in the pub.

**Ms O'Connor** - Sure, but you try to tell us that your evidence base is from a couple of people you talk to.

**Mr BROOKS** - I do that. Ms O'Connor, I talk to real people in the street with a multitude of experience.

**Ms O'Connor** - Like no-one else in this place. You are the real person in this place.

**Madam SPEAKER** - Thank you, Ms O'Connor.

**Mr BROOKS** - You may not like the people that I talk to. I do not really care whether you like the people that I talk to or not.

I am saying that you cannot say one specific policy has caused a shortage in housing and an increase in pricing and affordability in housing. It is ridiculous to say that that is what has caused it. What has caused it has been a multitude of indicators and initiatives and changes in the market. Some of that has been because of economic growth and some of it has been caused by demand. Some of it has been caused by the fact that more people are staying here rather than leaving because there are more jobs here. Some of it has been caused because more people are moving here. Some of it has been caused because there have been more people coming here for a holiday, loving it and then buying either an investment property or something similar.

There is a whole range of reasons as to why we now we have a limited supply of affordable housing. I do not think anyone has said there is just one. That does not mean that it has been Airbnb's fault on its own. I have not said that and I do not think anyone really believes it.

As a government we take the circumstances of what not only the environment that we are in indicates but we also take into account the multitude of indicators and factors that influence the policy setting that we need. It is not one thing. It is not one fix. It never is. Some people might think it is or they might want it to be but it is not.

To the credit of the minister, my good friend Mr Jaensch, member for Braddon, has taken on the feedback across the board.

**Members** interjecting.

It is interesting that you are now mocking the fact that we engage with the community and listen to what they say.

**Madam SPEAKER** - Come on, some order please.

**Mr BROOKS** - The Housing Land Supply Bill provides a more direct and efficient process for rezoning Housing Tasmania land and surplus crown land to help accelerate the supply of land that can be developed for affordable housing in Tasmania. That is what this does. The reason for that is because of a multitude of policy initiatives that this Government has brought in as well as the increase in demand and with that, if demand goes up generally, prices reflect that demand. The market will drive it.

I believe there is no absolute free market anywhere in the world. Every government has levers or mechanisms to adjust the market where it needs to be adjusted and they do it quite often. Some do it more than others. As an example, the debate in the United States at the moment on some market changes that the American President Trump believes -

**Ms O'Connor** - Your hero. I have seen the picture of you in that hat. You look great.

**Madam SPEAKER** - Through the Chair, please.

**Mr BROOKS** - You did not see me the day before at the Hillary Clinton rally.

**Mr O'Byrne** - Did you wear a hat for her?

**Mr BROOKS** - I wore a badge. I did not have any hats.

**Mr O'Byrne** - What did your badge say?

**Mr BROOKS** - It was not 'Hillary for Prison' - that was at the Trump rally where they sold those ones, but I will get to what I did in a minute because it is a really interesting point.

This is about a government that listens to what the community is saying, looks at the indicators, looks at the increase in demand, and looks at the increase in pricing which means we then have to move to put in a mechanism that frees up more affordable housing. This Government is reflecting on the market-driven impact and indicators, and that is what we are all supporting. It is not like you are not supporting what we are doing here.

**Ms O'Connor** - We're supporting it because it can increase the supply of affordable housing.

**Mr BROOKS** - That is right, and why do we need to increase the supply of affordable housing?

**Ms O'Connor** - Because for the past four years your predecessors underfunded social housing federally and at a state level.

**Mr BROOKS** - No, that again shows your ignorance in the understanding of how a market actually works. I would think you would be informed but you are not, as usual. It is an indicator that more people are moving here, more people are investing here, and more people are staying here. This bill is here today because we have to adjust to the market of increased confidence, increased consumer demand, increased capital investment and increased population growth. All of those things contribute to an increase in demand which leads to an increase in prices, and we are seeing it not only just in Hobart but now across the north and the north-west.

This Government, through the leadership of the minister, Mr Jaensch, is putting in place a mechanism to help facilitate more opportunity for people to get into lower cost housing. I absolutely support the bill but I also think it is important that we put on the record the reason that these initiatives are required is because we as the majority Hodgman Liberal Government have been able to deliver more confidence, more demand, more investment, more jobs, more opportunities and more people staying in Tasmania. Because of that we now need to make more land on more property and more affordable housing available. That is what this bill is about. At the end of the day that is what it does. I congratulate Mr Jaensch for not only listening to the community but also understanding the economics of the real world we live in, unlike those previously who do not understand how markets work.

**Mr O'Byrne** - We understand markets, mate. We understand what they do. The good bits and the bad bits.

**Mr BROOKS** - You understand how to drive a recession, I will give you that. I will take that on board.

This is about a government that is listening to the community, that is putting in place a mechanism that allows more affordable housing for the people and has been driven by the success of our policy initiatives and the fact that more people have worked here, more people want to come

here, more people want to stay here and more people want to have a home here. At the end of the day it does not matter how much those opposite try to spin it and blame it on Airbnb or whatever, that has nothing to do with the fact that the reason this is required is because more people want to come to Tasmania under the majority Hodgman Liberal Government than they ever did under the disastrous, dysfunctional Labor-Greens government that drove us into recession.

**Ms Standen** - Why not speak on things you know something about?

**Mr BROOKS** - They are the facts, and we know those opposite will not like it because it is true. The facts are there, look at the numbers, look at the indicators. Every economic indicator in the state tells you we are a more confident state, we have more investment, we have more jobs, and we have more opportunity. What happens from that is a reflection in the market and this Government has listened and seen that reflection in the market and is now acting to help support those who need a little more assistance.

I support the bill because this is exactly what this Government does. It supports those in need. We have been able to create -

**Opposition members** interjecting.

**Mr BROOKS** - We know on that side that they do not understand any of this. I can speak more slowly if you need me to.

**Mr O'BYRNE** - Point of order, Madam Speaker, I do not think he can speak slower.

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

**Mr BROOKS** - Madam Speaker, for the benefit of those opposite, if you have a confident marketplace, which means people are happy and they have jobs, they spend money. That then drives retail growth, consumer confidence, spends, capital investment and business confidence. That then creates higher demand and tends to lead to a higher price output, which also means there are impacts on those who are not in those circumstances. This Government is doing exactly what we said we would, not only fixing the budget and pulling it out of the recession you managed to create but also creating a market adjustment to allow more people to have houses. I know those members opposite will never understand it or care, but all we can do is hope they are never in government again because the state simply cannot afford it.

[4.23 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, I am pleased to participate in the debate and listen to the excellent contribution from Mr Brooks. I have learnt so much and am very enlightened now about how markets work and particularly how you might structure a contribution to this place. I think it goes: say one thing 500 times, and there you go. I do not know where your mojo has gone, Mr Brooks, but I have never seen you speak so slowly in all my life in this place -

**Mr Brooks** - It is because you don't get it. I'm trying to speak slowly so you understand but you don't.

**Ms WHITE** - Oh, it is because I have the problem? I am the one with the problem.

**Mr Brooks** - I was trying to explain it slowly.

**Ms WHITE** - It is all from you to me now. I am the one with the problem.

**Mr Brooks** - I was trying to explain it so you could understand it.

**Ms WHITE** - I appreciate that you are so considerate, Mr Brooks, that you have to speak slowly for me to understand you and your very complex, reasoned arguments.

**Mr Brooks** - I am happy for my business record to be compared to yours.

**Ms WHITE** - Are we comparing the size of our business now? It is laughable.

**Mr Brooks** - No, I am talking about my record.

**Ms WHITE** - Let us talk about your record. Where are your emails, Mr Brooks?

**Madam SPEAKER** - Order, please. We have the Leader of the Opposition on her feet and we should show her some respect.

**Ms WHITE** - Thank you, Madam Speaker. I was just asked to examine the record of Mr Brooks and in doing so, it is a pretty short record in this place. Mostly it is just speeches on repeat but also emails that have never been disclosed and a very short time as a minister as a consequence of misleading a parliamentary committee

**Mr Brooks** - I am pretty sure I was a minister longer than you.

**Ms WHITE** - That led to him no longer being a minister and probably never being a minister again, until those emails show up. Maybe you could work on that, give yourself a lecture on how to find a server. I have been distracted by Mr Brooks in his contribution on the bill and I apologise for that.

I want to speak about the process by which we end up examining this legislation, which is a much better version than what was first put out for draft. The minister will acknowledge that himself. The first draft raised a number of concerns for us and the submissions provided by those who were consulted identified those in much greater detail. The version before us is a much better bill as a result of that consultation. A two-week period for consultation was initially proposed. It is a very short period of consultation on something as important as this. It appears the minister has listened to the evidence provided to him.

There is no doubt there is a housing crisis in Tasmania, a shortage of supply of affordable properties, both rental and for those seeking to own a home, across the state, and it is particularly hot in the southern part of the market. We know the shortage of properties in the south has been exacerbated by the increase of whole properties being listed on sharing platforms. In Airbnb alone, there are about 800 whole houses listed in Hobart. That means those properties have been removed from the rental market or the market for those seeking to purchase a property to live in, as a home.

It is having an impact and the Government would be well advised to consider further regulation, particularly of whole houses, so we do not continue to see a diminishing supply of whole houses. People are sleeping in tenuous accommodation right now. Some in tents, many couch surfing, and

families I know have been completely locked out of the market because houses they were renting have been put onto the sharing platforms like Airbnb. In some cases, families with young children are now living in two addresses. One with one parent, the other with another parent, because they cannot live together in a rental property. That is no way to live.

That you have brought this forward at least acknowledges there is a problem. Increasing supply of demand is one way to provide opportunities for new supply to be built. It is not a short-term fix. This winter there are lots of people who are sleeping rough and are cold, wet and miserable because they haven't a roof over their head. It is a part of a suite of solutions the Government needs to be addressing. I remind the House it is disappointing that, of the money brought forward in this budget for Housing, none was provided for emergency housing solutions this winter, despite calls from peak groups and from those on this side of the House for an allocation to be made.

The Labor Party has spoken about inclusionary zoning. We see this as a way to provide some framework around helping to increase affordable housing supply across the state. We have begun consultation with key stakeholders as to how you might establish a framework to provide for inclusionary zoning. There are a number of different models that exist in other jurisdictions that we are seeking to learn from and to understand their best application here in Tasmania. My colleague, the member for Franklin, Ms Standen, has spoken about this already. I reiterate our commitment to look at the options we have available to us as regulators to ensure there are frameworks in place to provide structural changes that improve the opportunities for people to access housing, particularly affordable housing. I encourage the Government to consider inclusionary zoning as part of the structural reforms that can be undertaken to make a real difference to increasing supply.

#### **Quorum formed.**

**Ms WHITE** - Madam Speaker, I have had conversations with some of our community housing providers regarding their ability to construct dwellings and their assessment that there are some landowners in this state who are land banking, which is making it difficult to access land to construct housing on. They are private developers and we are talking about the release of public land. It does draw to my attention issues I hope the minister has considered in thinking about how he progresses this matter. Once land is released, it does not automatically mean there is construction activity taking place. I hope the minister ensures there are appropriate safeguards with contracts entered into; that development occur quickly and if it does not that there are penalties in place, or that land is transferred to another developer who can progress the desired outcome, which is to build more for housing supply.

It has been brought to my attention, again because of the market and Mr Brooks would love to tell me more about it, land banking occurs because people are waiting for the best opportunity to sell at higher prices. It is supply and demand, everyone understands that. We have large areas of land that would be suitable for development right now that are not being developed by private developers because they are holding onto it so they can leak it out slowly and obtain the highest price for it once they do start that process. Using what we know to be an issue in the market, I ask the minister to ensure any land released through this process has appropriate caveats in place to ensure or direct development to occur within a timely manner so we can see outcomes which I am sure we all want to see, and that is more houses being built from the transfer of Crown land to the department of Housing.

The other aspect I encourage the Government to give consideration to is rezoning the northern suburbs rail corridor. We understand, given again the importance of ensuring additional housing supply is close to services, schools, health centres and jobs, this is a prime piece of real estate to rezone from commercial light industrial to residential. We can have people live there and have higher density residential living along that rail corridor. It would help address some of the shortages we are facing and build the vibrancy of the northern suburbs, build the business case for passenger rail, and build connection to a new Hobart high school. There is quite a lot to be said for rezoning that rail corridor to build the capacity of our city to accommodate more people living within it and really bring the place alive. I am not sure if that is something the Government is thinking about, but it is certainly a piece of work that we would encourage them to turn their mind to.

Why are we here? We have talked a little about the lack of affordable housing supply, but why is that the case? My colleague, Ms Standen, has spoken a bit about it, but the fact of the matter is over the last four years, \$45 million less was invested by this Government in affordable housing. Approvals for affordable housing and public housing properties - new dwellings - slumped. You only have to look at the figures that are quite readily available from the ABS to see that for yourself. This independent data, not skewed by any political spin, demonstrates very clearly that there was a slump in approvals for public housing construction over the last four years under the Liberal Government and that they invested less in building more affordable housing properties. In fact, their own targets, which they set for themselves, have not been met to date.

The minister gave an update during Estimates. It looks like he has really put a rocket under it now, trying to meet those targets for June next year. However, to date you would have to say, minister, that it has been pretty bad, particularly given that in Estimates you were able to give quarter-by-quarter breakdown for how you anticipate meeting your targets, quarter by quarter. Had the previous minister been so diligent and had a quarter-by-quarter breakdown, perhaps things might have been different, but that was not the case. Now we are left in the situation where there are lots of Tasmanians unable to access affordable housing, with more than 3000 waiting on the public housing waiting list. The Government has been required to come to this House to seek to release crown land so that it can be developed to build on, which the Labor Party is supportive of, but we would like to ensure that there are appropriate protections in place to make sure that does occur and that you do deliver more houses.

My colleagues also asked a number of questions, which I am sure you will be addressing in your summing up, around how many houses you expect to be delivered and the time frames for the delivery of those properties. How many parcels of land for transfer do you expect to bring to the parliament? Do you have targets each quarter for those? The legislation we are debating requires those matters to come before the parliament. Both Houses have to approve. You must have an idea about some of the more likely parcels of land for development and of time frames for how we can get the ball rolling on this.

Given the time, I will leave it there. My colleagues want to go into Committee on a couple of points, depending on the minister's answers. I hope the minister can provide some clarity around some of those issues.

[4.38 p.m.]

**Mr JAENSCH** (Braddon - Minister for Planning) - Madam Speaker, I thank the various members for their contributions.

**Ms White** - Did you thank Mr Brooks?

**Mr JAENSCH** - Whilst I believe that my colleague, Mr Brooks, tidied up most of the outstanding issues, I have a short list of things that I need to touch on to address the questions that have been raised.

I thank you all for the sincerity of your questions and the attention that you have given to the bill, and for taking up the offer of briefings earlier on and the questions you asked there. If you are comfortable with it, I will work through the questions by presenter. Sometimes they repeat. I will look for a signal from those who raised it if I have understood you properly and if I addressed your question.

First Mr O'Byrne: yes, the bill is heavily amended from its first versions. We make no apologies for putting out a bill with a range of options and components to it, and also for listening, changing and refining it in accordance with the feedback we had. I thank all those organisations and individuals who gave us good feedback.

One of the items that was removed from the first draft was the inclusion of provision for temporary emergency residential permits, which was created by the department in the original drafting in response to an issue that was very topical at the time. People were talking about how we might be able to commandeer some existing sites and buildings and turn them into something else for the purposes of providing emergency accommodation. In order to do that in a very short time, you need a mechanism that we do not have at the moment. This was the response to that. Potentially adverse outcomes were identified, or ways of interpreting it which could deliver things we do not want, such as concentrations of disadvantaged people which needed to be avoided.

That was not the core purpose of the bill and the action arising from the Housing Summit, and we were more than happy to set that aside for the purpose of getting the bill -

**Ms O'Connor** - Minister, is there any appetite to make some adjustments so there are emergency supply capacities in the planning system?

**Mr JAENSCH** - I think there is a place for it. The other example in our considerations was that, from time to time, you might have, in a small coastal settlement, a major development arise, which brings with it a workforce that might soak up the available accommodation. The capacity to create a temporary, fixed-time accommodation precinct that could be used for a workforce, might benefit from having a provision like this. On the other hand, that would be a different scenario from setting up an emergency camp for displaced or homeless people or people in housing stress. Their circumstances are different.

**Ms O'Connor** - Have you been approached by a developer who wants a special provision for housing for imported workers?

**Mr JAENSCH** - No, but it was one of the things we discussed with Shelter Tasmania. They were concerned about workers potentially coming into a small coastal town, displacing -

**Ms O'Connor** - Like Swansea?

**Mr JAENSCH** - No, St Helens was the example that was used when we spoke.

We took those things out. They are not part of this bill. We made other changes in response to the feedback we received, which we are grateful for, which I think made it a better bill. That is why it was heavily amended.

Inclusionary zoning was the second matter raised by Mr O'Byrne and most other speakers. It is something we are hearing a lot about and we do not rule it out at all. In this case and for crown land and under the mechanisms we have proposed, using the housing act, we do not think it is the right tool for the job. That is partly because, in the Homes Act, we have legislation created expressly for the provision of affordable housing. That is all it exists for and that is what the Director of Housing's job is all about, not anything else.

Inclusionary zoning is generally intended as something you will use where you have an open market development and a zoning applied to ensure at least some of that is available for affordable housing. In the case of crown land, it is the opposite. It is only for development of affordable housing. It might be that you choose to add other housing types to result in a mosaic rather than a concentration of one type of housing, occupancy, tenancy and demographic.

**Mr O'Byrne** - When you say you are actively considering it -

**Mr JAENSCH** - I said that I am not ruling it out.

**Mr O'Byrne** - That is different from actively considering it.

**Mr JAENSCH** - It is. In certain circumstances, it has been spoken about. Saul Eslake says it has worked best in government land development. In different jurisdictions they have experimented or prescribed very different ways of providing for that inclusion. Sometimes it has to do with numbers of dwellings, area of land or tenancy types. I am also aware of examples in which it has had perverse outcomes. It has not been properly prescribed and you end up with the concentration of the worst types of tenancies in a development being clumped together to meet a requirement and that is not necessarily delivering the mix or result you are looking for.

**Mr O'Byrne** - Are you seeking advice or some options for Tasmania concerning that?

**Mr JAENSCH** - Right now I am focused on the immediate challenge in front of us, this bill and the other initiatives to address our immediate circumstances. We do not rule any options out. We would have to see how they matched with the land parcels, et cetera, we have.

The other thing about inclusionary zoning and the approach offered by using the Homes Act is we are likely to see, through a disallowance process and the orders, a great diversity of sizes and configurations of land. In some of those, which might be a single house block size, infill, somewhere in an already developed area, it might be entirely sensible for that to be a 100 per cent affordable housing development because it picks up its context in the housing estate around it. We do not want to say we are only a 15 per cent or a 30 per cent affordable housing program with this. We have the ability with the Homes Act to look at every parcel of land, each opportunity and the right configuration for those that maximises the affordable housing outcome in the best possible way. We acknowledge there are different schools and traditions of thought in how best to provide that. We need to work with each site on its own merit. That is what the act is there to do.

**Ms O'Connor** - Minister, by extension, does that mean there is a percentage where you would have a maximum of private housing on a site like that? Is there a metric you would examine to make sure there wasn't 51 per cent private and 49 per cent affordable?

**Mr JAENSCH** - I do not have a metric like that in mind and the parcels we deal with might vary greatly in size from several hundred units to a few. If we consider the inverse of inclusionary zoning, you might have enough private developments of certain size or value to make the mix you are looking for work; so that you do not end up with enclaves of disadvantage, which we have talked about not wanting. You approach from the other end when you are working through the Homes Act because it is all about affordable housing.

**Ms O'Connor** - My interjection approached it from the other end.

**Mr JAENSCH** - Yes. The original land supply audit you referred to, Mr O'Byrne, included land owned by the Director of Housing, Housing Tasmania land. I believe of the 239 hectares covered in that, about 100 hectares was already Housing land. We are not using that as our sole source of targets. That had a fairly coarse set of criteria we used to establish the broad dimensions of possible supply. We are working to a far smaller resolution than that. Some of the property that comes through the process was included in the original supply audit but others may not have been. They might have come from elsewhere. In one example, the original audit did not include any property with structures on it, whereas we are prepared to look at land with structures on it.

Shelter Tasmania questioned the definition of affordable housing. I heard from a number of submitters and Shelter Tasmania directly. We had a discussion about it. I understand certain comfort has been found in the way we have used the Homes Act. I am sharing with members a section from of the Homes Act that recaps the purpose of that act. It is something I included in my budget reply speech. This explains the purposes of the act, which direct all of the actions of the Director of Housing and the purpose to which Homes Act land can be put. This is a far more comprehensive and detailed explanation of the outcomes sought for affordable housing than something as simple as a proportion of income to be used in rental or housing costs.

The other matter raised was that it may be risky to insert a point-in-time definition based on some metric to do with income or market factors if you are building legislation that might persist longer in time. The other matter I am conscious of is that when we have a definition or a description of what affordable housing or its outcomes should be, such as this one in the act, we have a lot of reference to affordable housing in things such as our Affordable Housing Strategy, which informs the work plan being delivered. I am conscious of not creating the risk of conflict between those definitions. We want to have these things working together more closely. I will look for some response or agreement to that. This is a fairly comprehensive definition, section 6B of the Homes Act. We have taken that to be our guide and why we chose the Homes Act as a safe place to refer land to and direct what the director can and cannot do.

**Ms O'Connor** - Yes, it is very comprehensive in the Homes Act. Can I ask, were housing stakeholders, particularly Shelter Tasmania, comfortable with that explanation on your part? I have not crosschecked that with them.

**Mr JAENSCH** - We discussed it with the Housing Summit working group, which Shelter Tasmania and TasCOSS were part of. It was covered in the briefings with them. My adviser affirms there was a level of comfort with that approach that was not in the original draft. We were not using

the Homes Act. We were creating a proxy for a lot of its processes in the bill as original legislation, whereas we have reverted to using parts of things already out there that work.

**Ms Standen** - That is my understanding.

**Mr JAENSCH** - Yes. That is where there was some comfort to be had from Shelter Tasmania and TasCOSS.

Mr O'Byrne asked, how many houses? The bill creates a power and the number at any time will be determined by how many orders have been passed through without being disallowed and put into action. How many houses and how many parcels is a fluid thing. There is not a target for that. I can give you some indication, as there has been work on what might constitute the first bundle of proposals to come through the process with an order and a report outlining the purpose, the response to consultation, the extent of compliance or satisfaction of those other matters like bushfire, landslip, Aboriginal heritage and other matters. In a list in front of me I have five sites identified, and possibly three others, ranging in size from two potential dwellings to several hundred and 15 to 20 quite different examples. There would be half a dozen or more that would be prepared if this bill passes the upper House next week, between now and our next sitting week, in order to be aiming to have the first orders in front the next sitting of parliament for disallowance or otherwise.

**Ms Standen** - What would be the total amount of, just to be more cautious, just the five, not the possible additional three? What would be the total number of dwellings for those five?

**Mr JAENSCH** - I need to give the department and the Director of Housing full latitude to exclude or add others. I do not want to commit to a number because I already have so many numbers I am committed to. It may be close to 700 or 800 dwellings. However, there is a couple of biggies in there. If they were not ready to go it would be a much smaller number, but there would be a rolling program of identifying them, working them up and presenting them. I wanted to give you some heart that there is work underway, anticipating that we might have this bill through and able to be worked with in the next couple of weeks.

**Mr O'Byrne** - The next question is really to clarify - when do you expect the first parcels to hit this parliament, if it gets through both Houses?

**Mr JAENSCH** - My ambition would be that having built the bill and brought it here, within three months if it has a clear passage through. Some of these are already Housing Tasmania properties so I would hope we would be able to have a report and an order ready to present to the next sitting of parliament, both Houses.

**Ms O'Connor** - Are you going to run an EOI process through Housing?

**Mr JAENSCH** - That is not anticipated but there has been the audit process which has identified those 239 hectares already. We have Housing with its knowledge of its own property in various stages of preparation for development and in talking with Crown Land Services and other ministers, ministers' offices and their departments, we have a whole range of parcels of land identified which means that we do not have to go searching too far. It is more a question of working out which ones are best suited to meet the demand for appropriate housing land for the people who need it right now. We might be spoilt for choice. At the same time, I would want to ensure that the

early examples were very good ones and able to be delivered to help us exercise the new bill and the processes involved.

**Ms O'Connor** - I guess the question is what is the mechanism for getting developers interested, or what is the mechanism for construction and how you bring companies into that process or who?

**Mr JAENSCH** - The idea would be that they would be the same range of options and processes that the Director of Housing uses now, working with a combination of construction firms, community housing providers and private developers in different parts, depending on the circumstances of each parcel. I would want to keep all of those options open to meet the need and certainly that is anticipated in the Homes Act, which encourages flexible and innovative arrangements for ensuring we get the outcome, so I would need to keep all of those options available to us.

Mr O'Byrne asked whether rezoning through the parliamentary process could take longer than the alternative. The whole purpose of this is to take less time and give us the greatest scope to apply the zoning and other planning controls that suit the purpose of delivering affordable housing directly. Where we save time is in the fact that right now if our Government wanted to make use of the land it owns on behalf of the Tasmanian people to address supply issues in the market, we cannot initiate a rezoning of that land to make it suitable. We have to be able to engage a council and they have to be satisfied it is needed, worthwhile and important for them to initiate that process. Then they do their assessment of it, give an opportunity for public exhibition and submissions, assess the outcomes of that, and then prepare a report and send it to the TPC, who sort of does all the same things again with a 90-day process.

**Mr O'Byrne** - It's a terrible system we have. You've just done a great job.

**Mr JAENSCH** - It is very thorough, but we believe we can take great chunks out of that and that is where structurally we get the savings straight away. All of the same processes and assessments are there, we just truncate it and it happens through me technically but through all of the advice being driven to the minister at a point from the departments and all of those other submitters along the way. It is built at the beginning on a level of acceptance of an emergency, the word you used before, or a need to address a public policy issue in provision of housing using tools we have available, including using the public's own land resource. There is a need and a will that has been expressed to do this so there is a starting point as opposed to having to establish that in the case of the reason for the rezoning in the normal process.

The fast rezoning process will not apply to privately owned land, only to land owned by the government. The rail corridor land is privately held land, so it will not apply to there. If you had a former high school or a change in footprint of a high school on Department of Education-managed crown land, it could operate there. They were examples that you gave.

**Mr O'Byrne** - Only whilst it is still in your hands currently, though.

**Mr JAENSCH** - Yes, and importantly, because this puts significant decision-making power in the hands of a minister, only crown land and only land that is crown land when this bill is passed. I understand the safeguard here is that there is not some sort of process by which all of a sudden there are tracts of land acquired by government for the purposes of rapidly rezoning like this which would otherwise not have passed the test. This is controlled by only being able to apply to crown land and only crown land that is crown land at the time the legislation is created.

**Ms O'Connor** - So Housing now can purchase land from another agency, for example, Education. You don't necessarily need to transfer that from Crown land to housing supply land, do you?

**Mr JAENSCH** - It can happen now. It can happen under this. Any government land that is owned by departments; if it is government-owned land it is fair game. If the authorities, agencies or offices responsible for managing that agree, if the minister for Crown lands agrees, and if the Director of Housing agrees to take it on. They are the other insurance policies that mean there is not suddenly this enormous hoovering up of Crown land into a place it is not wanted or that precludes other opportunities for its use. It is surplus land owned by the Crown right now with the agreement of those who are responsible for it right now.

Can land not utilised be returned to the Crown? Yes. That is clause 14, under Division 3 - Revocation of housing land supply order. Under a range of circumstances the minister may, by an order, revoke a Housing Land Supply Order if no longer needed, if no longer declared to be housing supply land et cetera. It can be returned to the Crown for higher use if it has not been used. You asked under which circumstances that might happen. There may be a range. There may be an issue with capacity to develop or the need changing in the market. Regardless of those specific circumstances, it is generally practise in legislation, if you can make something, to answer the question of how you would unmake it or return it if not needed. That provision is built in.

**Mr O'Byrne** - You have touched on a couple of potentials but it is about the power to give it and the power to get it back.

**Mr JAENSCH** - Yes. For the Crown to resume its rights over that land if, for whatever reason, the purpose was no longer there or it was unable to be prosecuted.

The question was asked, is the land able to be given away under the Stock Leverage Program? Nothing is ever given away under the Stock Leverage Program. It is a transaction or agreement devised to leverage more houses using the equity. We have confirmed over the last week we are not ruling it out but there are no plans or particular propositions we are entertaining to do that in any specific cases. It may be there is a good fit between that mechanism, a developer and a parcel of land that arises through this process.

Can the Director of Housing hand back land at any time if it is not needed? Yes. Is the Director of Housing left dealing with hazards such as landslips, bushfire, et cetera, and the costs of so doing? It is tied up in the same issue. If this becomes burdensome, more trouble than it is worth, yes, hand it back. At the same time, matters such as the landslip and bushfire examples given, are subject to those state policies and codes that would need to be part of the assessment of whether we want this piece of land for this purpose. If we are talking about centrally located areas around services in areas suitable for residential development, maybe it is less likely they will be areas with these issues.

**Mr O'Byrne** - It is your view at the moment that this is a program that reaches out for a number of years. You have to work on the basis that simply because you have a view -

**Mr JAENSCH** - It could be, I agree. The core of your concern was, is the Director of Housing going to be encumbered with expenses, et cetera?

**Mr O'Byrne** - That is right.

**Mr JAENSCH** - Does he or she have an escape clause to divest themselves of the responsibilities?

I stepped over an issue here, which was the five-day disallowance period. The question asked was, might it need longer time for people to consult? As Minister for Planning, what we, as a Government, would be putting on the table in two Houses of parliament would be a report and an order saying, we would like to do this, this is the reason for it, this is the consultation we have had and it is stepped out in the bill, the checklist of interested people, their submissions, our responses, the extent to which we are satisfied we can accommodate their needs, to which we can accommodate the requirements of state policies, et cetera, and the intentions regarding what that block will be put to, what yield there will be, potentially, of numbers of dwelling and different types for that block. I am envisaging it might come with a plan, something people can look at. What that means is the consultation, as required in the bill, has been done, the planning matters surrounding that parcel of land have been dealt with or addressed and, there having been a response that this is still looking good, it is tabled.

We are sure there will be members who will have knowledge relating to those parcels of land, which they might want to follow up, but the planning matters and the matters prescribed in the act will have been addressed in the report that goes up. The main job of the parliament and members would be to ensure we have done what the act requires us to do, done so in a responsible way and responded to matters accordingly. That is needed.

Five days, it could have been longer or shorter. I understand there were submissions suggesting five days and others suggesting different times. One of the things I am conscious of is how we -

**Mr O'Byrne** - It is five sitting days, isn't it, so you could launch on the Tuesday and we have until the following week?

**Mr JAENSCH** - These are the things I am very conscious of. There are pointless delays built into a lot of the systems we have. When we have five sitting days, if the first was today, there are a couple of months to wait for this to come through. What could take place in five days is still going to take place in five days of actual consideration, but it could have two months mixed into the middle of it.

**Ms O'Connor** - Only if you were planning poorly and tabled before the winter break, for example.

**Mr JAENSCH** - That is right. That is why we had this tabled on 12 June and we are grateful for the assistance of members to schedule the business of the week to bring this here today and to the upper House for next week. We will have to plan carefully. Five days spans two consecutive week for two Houses that do not necessarily have the same schedule. It is not going to be perfect. It is going to have some unnecessary delays. Adding more consecutive days' requirement would add to the risk we lose weeks or months.

**Ms Standen** - Minister, why wouldn't you have 10 business days as opposed to five sitting days?

**Mr JAENSCH** - There is a difference between having something tabled in the parliament, officially for disallowance, as compared to something which is gazetted for people to see and dealt with out of session. This puts a formality to it and is another safeguard around the process.

**Ms Standen** - Okay, thank you.

**Mr JAENSCH** - Mr O'Byrne you asked a question about resources to resolve issues with local schemes and the State Planning Provisions. One of our activities subsequent to the bill getting up, in whatever form, is to work on the work plan we have talked about and the scheduling and resourcing of these issues.

There have been discussions with the TPC about its role in amending schemes, et cetera, off the back of orders being successfully made. Local government does not have a role in this. They are consulted but they are not required to change their schemes. The TPC will be doing that as a result of the order passing through two Houses and the order being made at the end.

Clause 17: reasonable steps to ensure the Director of Housing uses the land as per the Homes Act. You asked what steps I would use to ensure that is what happens. The Homes Act sets out the purpose of the director's role. That is his or her modus operandi to start with.

The other thing to be noted is the order and the report that goes with it outlining the intent and purpose, and the outcome desired from the rezoning of a piece of land and its development under the Homes Act, puts on the public record the expectation of what is to be delivered. An enthusiastic observer could keep a folder of those orders and the number of dwellings to be produced, et cetera. It might be the sort of thing that a parliament might reasonably ask a minister to report on from time to time as mentioned in other contributions.

This becomes part of the work program of the Director of Housing, which has been specifically allowed and endorsed by the two Houses of parliament. There is a visibility to it and an interest in it that addresses that. It is another one of the mechanisms by which the parliament might hold the government and its Director of Housing to the work plan.

Clause 20. The TPC has 14 days in which to amend schemes in response to an order. It states 'or a longer period allowed by the Minister'.

**Mr DEPUTY SPEAKER** - Minister, the allocated time has concluded.

**Ms O'CONNOR** - I move that the member now be heard so we can get the rest of the answers. Is that possible?

**Mr DEPUTY SPEAKER** - You want to move for a time extension?

**Ms O'Connor** - There are just a few of my questions, aren't there?

**Mr JAENSCH** - Ms Standen has a few. We have covered a number of them already. Maybe it is another half an hour.

**Ms O'Connor** - Half an hour. An hour in response?

**Mr JAENSCH** - I am happy to hurry, but I do not want to leave you unsatisfied.

**Mr O'Byrne** - Let's have an extra 20 minutes and go from there.

**Mr JAENSCH** - Twenty minutes?

**Mr O'Byrne** - Yes, 20 minutes. Will you move that?

[5.20 p.m.]

**Ms O'CONNOR** - Mr Deputy Speaker, I move -

That the minister be now heard for a further 20 minutes.

**Motion agreed to.**

**Mr JAENSCH** - The TPC is just making a technical request to change the planning scheme. They have advised that 14 days is okay but they can request more. When I have a process indicated, I am trying to put a time frame on it whenever I can, even if it is one that can be extended. We do have parts of our system which have no time frame and therefore, if they are not important, they can go on forever.

Page 4 and we are onto Ms O'Connor. Shelter Tasmania called for percentage allocation and the definition of affordable housing. Ms O'Connor, we have discussed those two matters. Are you comfortable with that?

**Ms O'Connor** - Yes, I am. I also had a question about how you keep some restraint on soaring rents and whether the Government was considering some regulatory or legislative mechanism to rein in rapidly increasing rents.

**Mr JAENSCH** - Yes, and you raised a range of other matters as well that are not within this bill.

**Ms O'Connor** - It does go to the issue of affordability. It is good policy, it is easy to justify and it is in operation in the ACT.

**Mr DEPUTY SPEAKER** - Order, I do need to remind the House that we are not in Committee; we are on the second reading. I would not like to create a situation where it forces anybody into Committee. So there is some leniency but we do not want to extend the second reading debate. If it is outside the scope of the bill, a quick answer by the minister would suffice.

**Ms O'Connor** - Mr Deputy Speaker, we are trying to avoid going into Committee if possible.

**Mr JAENSCH** - The member would be aware that there are mechanisms with social housing whereby rents are set in proportion to income or in proportion to the market. Therefore, there are artificial controls on them. They are not the subject of this bill directly, but they are matters that the Director of Housing reviews from time to time, and has done recently in terms of the market.

**Ms O'Connor** - The Residential Tenancy Act is the responsibility of the Attorney-General, is that right?

**Mr JAENSCH** - I think it may be Mr Barnett.

**Ms O'Connor** - Consumer affairs? Yes.

**Mr JAENSCH** - If I may keep moving.

The bill replicates elements of the planning system. It actually commandeers bits of the planning system rather than reproducing them. It also provides the opportunity to deploy components of the planning system that are not yet on the ground in local planning schemes just yet, such as our statewide planning provisions.

How to be sure what the Director of Housing does with transfers: I think we have covered that. It will be defined in the orders that have been through two Houses of parliament. The affordable mix and the outcomes for those parcels of land are defined in the orders and the plans that are put before both Houses.

Access to transport, et cetera, in identification of the parcels of land so that people do not find themselves isolated from services: that is part of the definition of the purpose of what we are doing and the purpose of the Homes Act as well to ensure that people have-

**Ms O'Connor** - The Homes Act has failed in the past in terms of access to transport and services. I am sure that these are improvements to the act, but the Homes Act has not been as effective.

**Mr JAENSCH** - We make specific reference to it right at the beginning: land that is suitable for housing including education, employment opportunities, transport and services.

There was a question about state policies. I note that they are not the same as state planning policies which we have yet to commence the process for, but the bill requires assessment against and compliance with the requirements of state policies in all regards, so there are no shortcuts there. Shelter Tas proposed a four-year sunset clause and the bill says five. This is a sunset on the ability to make orders. The bill persists beyond that time, so orders that have been made within the 10-year window can continue to operate, otherwise they would disappear. Again, there were differing submissions and the advice we have had is that five years is not out of the ordinary and that is where we landed it. I do not know if there is a golden rule on those. We note Shelter's preference but I think there are a number of controls that ensure this bill cannot get too far out of control.

Ms Standen's concerns about consultation and submissions were addressed. She referred to the tight time frame of two weeks. Yes, it was a tight time frame. We extended it after we brought the first draft back and went back to those who had made substantial submissions or requests to have further discussion with them about the changes we proposed, which effectively gave us extra time but set back the date at which we had hoped to bring it to this place, but I am glad we did. That whole thing was still able to be turned around between 15 March, when it was first thought of, and 12 June, when it was tabled. With the cooperation of those we consulted with that was able to be done, and I commend the department and my office for their work on that.

We have discussed the definition of affordable housing. I talked about the fast-track reduced time frame at the beginning about the fact we have taken statutory 90-day periods out of that as a starting point. Regarding inclusionary zoning, we have had some discussion about that already and the rail corridor. Certainly that is not part of this bill. I am unaware whether there have been any vacant government-owned land parcels identified in association with the rail corridor. There may be, but on the whole I think there would be a range of different zoning types and ownership tenure arrangements through that corridor which might require some other instrument such as legislation to deal with that. That is the sort of thing you might see arise through discussions around the City Deal and associated legislation rather than through this bill.

**Ms Standen** - We would be keen on that. The point I was trying to make is, it is not either/or, but we would be keen to see the Government consider that.

**Mr JAENSCH** - A mix. The right tool for the job, yes.

As to crown and Housing Tasmania land, there are exemptions. This bill cannot apply to private land, only government land that is government land at the point of this bill passing, hopefully.

What is plan B? There are actually plans A to Z at the moment because it is not just houses on government land that we have to deal with. There is a raft of initiatives under the Affordable Housing Action Plan and that is being reviewed over the next six months through consultation, which has already commenced. The time frame is 10 years for return of land to the Crown if it is not needed or used.

As to the outcomes to scrutinise progress, that was covered in having to present those reports to parliament and being able to track their progress.

How many houses will be delivered this year? We have discussed that up-front.

As to possible amendments, the first one related to the time frame for development and the suggestion of an additional clause 9(1)(c) to ensure that the intended use will be delivered. We referred to the tabling of the individual orders and reports to go with them, outlining the expectation. Is there a need to put in the bill something that ensures that they are delivered? We have not contemplated that but we have processes you participated in last week whereby there is scrutiny of a work program and questions are able to be asked for things that have been tabled on how many of what are going to be delivered by when and the information about those parcels will be on the public record because they will be tabled in both Houses of parliament. I would think that as a minister I could be held to account for delivery on those.

**Ms Standen** - Minister, you mentioned a work plan too. I do not know whether there would be an intention to have a quarterly update similar to that which Housing Tasmania currently has and if it would be included in that.

**Mr JAENSCH** - It is certainly possible and the information would be public anyway because anyone could then set that up and ask us questions about it. It would be the sort of thing I would be doing internally managing the director.

**Ms O'Connor** - There are four opportunities in question time for that every day.

**Mr JAENSCH** - Too right. The second possible amendment raised was to insert in clause 18 a provision for former crown land to be returned to the Crown if not developed as per the order. I think that exists under clause 14 anyway already and we covered that earlier in the discussion. Revocation of housing land supply orders exists, so that has been thought of.

Ms White asked a range of questions. She talked about land banking and supply issues that are outside the scope of the bill, but again we would reiterate that this bill is not the solution, it is one of a raft of things which include assisting and incentivising the bringing to market of suitable land within the urban growth boundary, suitably zoned and possibly even subdivided already, which we know of and which we can map and count.

Speaking to developers and their peak bodies and representatives, we are starting to identify a range of reasons why it might be slow in coming to market and some of them are to do with speculation. Others are to do with factors post-subdivision that are slowing down the ability to get that land into the market in terms of things like working with TasNetworks and others on getting their infrastructure designed and in place, and who pays for that and how long that takes, another one of the processes for which there is not a time frame right now.

We are also addressing those sorts of matters because more houses developed in the general market means less pressure on the market as a whole. It will help to reduce prices. I am sounding like Mr Brooks now. It is certainly one of the things we are aware of. There is a far greater estate of residential supply sitting out there than we could ever hope to create with a rolling government housing investment program. Unless there are critical issues members have or I am receiving from my advisors, I trust it covers the majority of matters you have raised.

I close by thanking the excellent people from the Department of Justice, the Planning Policy Unit, my office and my senior planning advisor in particular for their excellent work in turning this around between 15 March before I had even been sworn in and 12 June when we have tabled this bill, and delivered on one of those expectations from the Housing Summit. Thank you all for your patience and interest.

**Ms O'Connor** - Thank you, minister. Congratulations on your first bill.

**Members** - Hear, hear.

**Bill read the second time.**

**Bill read the third time.**

## ADJOURNMENT

[5.37 p.m.]

**Mr JAENSCH** (Braddon - Minister for Human Services) - Madam Speaker, I move -

That the House do now adjourn.

## Burnie City Eisteddfod

[5.38 p.m.]

**Ms DOW** (Braddon) - Madam Speaker, I rise to speak on the adjournment. A couple of Saturday evenings ago I had the pleasure of attending the 51st Burnie City Eisteddfod opening concert at the Burnie Arts and Function Centre. As I sat in the audience with my daughters enjoying the tremendous performances of song and musical performance - including that of my Braddon colleague Roger Jaensch's daughter, for which she was awarded first prize - I could not help but reflect on the dedication and contribution of Mr Barry and the late Mrs Dorothy Cunningham, who together provided many years' service to the organisation in coordination and presentation of the annual Burnie City Eisteddfod since 1968.

Mrs Cunningham spent 39 years as co-secretary with her husband, Barry. Mrs Cunningham had a great passion for music, family and her community. The performing arts community on the coast sadly misses her, as I am sure do the Burnie City Eisteddfod organising committee and her family. This year, Barry and Dorothy Cunningham's OAM awards for outstanding performance were added to the list of special awards presented at the eisteddfod. I sincerely congratulate the recipients of this award.

President, Jan Tolland, and the committee are to be commended on a once again outstanding Burnie City Eisteddfod program. I acknowledge the efforts and dedication of all those volunteers involved in the Burnie City Eisteddfod each year. As a previous competitor in the eisteddfod, I understand the important role events such as these play in boosting confidence for our young people and the great sense of reward that comes from performing to an audience with your peers. Now my daughter enjoys performing in the eisteddfod also. Congratulations to all those who competed in this year's eisteddfod, and to those who have so far received awards or prizes, I say well done. My best wishes to those who will be performing in the coming weeks. I encourage everyone to support the eisteddfod again this year and enjoy some first-class entertainment and performances.

### **Comments made by the Attorney-General - Estimates Committee B**

[5.39 p.m.]

**Ms HADDAD** (Denison) - Madam Speaker, I rise to correct the record regarding some comments made earlier in the day when we were discussing Estimates Committee B last week. We heard the minister say, in her wrapping up on the deliberations of the House on Estimates Committee B, that she saw inexperience from Labor on display. She implied that I continued to suggest she should intervene with prisoner leave arrangements. What Ms Archer said during the debate today in the House, was -

Despite saying they were the first advocate for prosocial programs, Labor through Ms Haddad seemed to be advocating for interference and for me, as the minister, to make operational decisions the TPS make on a daily basis.

I take umbrage to that suggestion. It is not what I said in Estimates and it is not what I would suggest. As my contribution to the MPI showed, I stand by the independence of statutory officers, such as the Integrity Commission, the children's commissioner and others, and of the independence of the bureaucracy, including the decisions made at an operational level in the prison.

What I did say during Estimates in that line of questioning was that the minister has told us that she is tough on crime. She agreed with that. I then described a particular crime and the sentencing comments made in a particularly heinous double murder case in Ravenswood. I did not pass any judgment about the sentence. I did not make any comments about the case itself. I described the facts of the case and I described the comments of the sentencing judge. I then asked the minister if she had interfered with the day release plan for that prisoner because it seemed to have been cancelled only after her office was informed that a prisoner who had been jailed for 45 years was being prepared for day release three years into his sentence.

The issue was raised by a member of one of the victim's families. It was raised in the media. After that time, the leave was cancelled. My question to the minister during Estimates was not me telling her I thought she should interfere with the decision of the prison, quite the contrary. I asked her, did she interfere with the decision of the prison? It seemed that day release was cancelled only after her office had been informed. I went on to ask her if the crimes, such as those described by

me in Estimates, would be in scope when she comes to consider her dangerous criminals declarations legislation, which she has committed through the election campaign process to introducing some time this term. These are the facts. The minister persists in saying I suggested she should interfere with the operation of the prison. I do not.

The minister persists in saying that Labor, through Dr Broad, suggests she should interfere with the work of the Integrity Commission. He does not, we do not. I defend the independence of statutory officers and the bureaucracy. No minister should interfere with the work of statutory officers or the bureaucracy. That is not what I said and it is not what I believe.

I was extremely clear in Estimates. I was asking the minister if she interfered. I was also asking her for her views on policy matters she took to the electorate during the election campaign and her plans for legislation. That is a perfectly reasonable line of questioning in the Estimates process. We saw, time and again, the minister dismiss those questions as political and as being outside the scope of the Estimates process because they were operational. It is important to put on record my firm belief that ministers should not interfere with the work of the bureaucracy.

**The House adjourned at 5.43 p.m.**