

**Tuesday 28 August 2018**

The President, **Mr Wilkinson**, took the Chair at 11 a.m. and read Prayers

**RECOGNITION OF VISITORS  
Bhutanese Visitors**

**Mr PRESIDENT** - Honourable members, it is with pleasure that I formally and very warmly welcome to the Chamber Mr Tshering Dorji of the National Assembly of Bhutan and Mr Tashi Dargay of the National Council of Bhutan, both of whom are being hosted by the Parliament of Tasmania as part of the Parliamentary Fellowship Program.

The Parliamentary Fellowship Program is conducted in collaboration with the International Institute of Democracy and Electoral Assistance. The institute is an international organisation made up of member states, including Australia, with a mandate to advance democracy worldwide.

Mr Dorji and Mr Dargay are here to learn about how our parliament operates. They have been here for one week and have observed proceedings and practice in the other place and have met with various officers representing areas of the parliament, including the clerks and deputies, the Library and Parliamentary Research Service, Hansard, and other officers outside the parliament, including the Chief Parliamentary Counsel, the Tasmanian Electoral Commissioner and the Ombudsman.

This week they will spend some time observing our practices as well as looking at other parts of the parliament, such as the Parliamentary Computer Services, Legislature-General and the Parliamentary Education Office. They will also meet the Auditor-General and see the Tasmanian State Protocol Office.

As part of the visit, they have also have had a chance to experience our hospitality and culture and do some sightseeing. They went up the mountain a couple of days ago; the temperatures going to the top of Mount Wellington are quite a different range from those in Bhutan - they feel the cold, especially at the top of Mount Wellington.

**Ms Forrest** - I sympathise with them.

**Mr PRESIDENT** - We wish them well for their visit and extend our sincere welcome; it is terrific to see them here.

**Members** - Hear, hear.

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

**First Reading**

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

## **LEAVE OF ABSENCE**

### **Member for Huon**

[11.05 a.m.]

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

That the honourable member for Huon, Mr Armstrong, be granted leave of absence from the service of the Council for today's sitting.

**Motion agreed to.**

## **SPECIAL INTEREST MATTERS**

### **Freycinet Marine Farm**

[11.06 a.m.]

**Ms HOWLETT** (Prosser) - Mr President, during the parliamentary winter break, Senator Jonathon Duniam and I took the opportunity to spend time in the electorates of Prosser and Lyons where we visited some of the many fantastic businesses that are continuing to open throughout these electorates.

One business I would like to mention today is the Freycinet Marine Farm, located in Coles Bay. The farm owners, Giles and Julia Fisher, have a wonderful story to tell. Giles Fisher, a UTAS graduate, grew up as a traditional farmer of sheep and cattle. Diversifying from family tradition, he took a leap from the comfort of land farming to ocean farming. Giles worked for Tassal in marine management for a number of years before he and Julia embarked on a sea change and purchased the Freycinet Marine Farm in 2005.

The Freycinet Marine Farm is one of the oldest oyster farms in Tasmania and has enjoyed a history of continuous production spanning nearly four decades. When the Fishers purchased the farm it produced only 180 000 oysters per year and during those early years they were faced with the potential of diseases affecting their oysters. The Fishers identified that such a risk could potentially wipe out their business so they chose to diversify and farm mussels as well.

Initially, the farm's only retail outlet was a corrugated iron shed one kilometre down a gravel road. Through the Fisher family's hard work and dedication the Freycinet Marine Farm is now enjoying double-digit growth. The Fishers purchased nearby land for a shop frontage in 2007 and purchased a neighbouring mussel and oyster farm in 2009. In 2015, the Freycinet Marine Farm opened a second outlet at the Devil's Corner Cellar Door and food hub, which is just south of Bicheno. The farm annually produced 3.5 million oysters and its mussel production was 50 tonnes at the end of 2015.

The farm now employs 10 permanent staff, rising to 18 during the peak tourist season. Julia and Giles also developed the opportunity for patrons to experience 'From sea to me', supplying seafood for Saffire Freycinet's award-winning restaurant and providing Saffire Freycinet's unique signature experience, the Saffire Freycinet Marine Farm tour.

Adding to the growth of the recognition, Freycinet Marine Farm was also a recent successful recipient of one of the federal government's regional jobs and investment packages. These funds will allow for expansion of oyster and mussel production through development and purchase of an additional production boat to allow for more efficient access to deep-sea leases, and the construction of farm and visitor facilities to support the increase in tourism demand. The project will construct and fit out the marine farmgate commercial kitchen, as well as expanding the current integrated production farmgate retail and store to develop a premium Tasmanian valued-added product.

Importantly, this latest project will create three more construction jobs and nine permanent jobs for the local community. I highly recommend visiting the Freycinet Marine Farm, a sensation for one's taste buds. Today people from all around the world come to visit the farm to feast on Tasmanian seafood, including the finest oysters, rock lobster, abalone, calamari, salmon, long-spined urchin and, of course, oysters and mussels.

The seafood not grown on the farm is sourced locally by Giles and Julia's friends. All the produce is fresh and plucked straight from the pristine waters off the east coast. The fish is delivered to their customers in a true sea-to-plate dining experience. The Freycinet Marine Farm retail outlet was named as one of *Australian Traveller* magazine's top 100 gourmet experiences in 2011. In 2015 the farm won gold at the East Coast Regional Tourism Awards in the food and wine category; and in 2016 it won silver in Tourism Industry Council Tasmania's Excellence in Food Tourism.

With the state's tourism and aquaculture industry booming, Giles and Julia feel nothing but optimism and they look forward to growing Freycinet Marine Farm further and developing more exciting business opportunities for the future. I sincerely thank Giles and Julia for having the vision, passion and determination to invest in Tasmania, particularly in regional Tasmania.

### **The Unconformity 2018**

[11.12 a.m.]

**Ms FORREST** (Murchison) - Mr President, it is with great excitement I speak about The 2018 Unconformity. Members will recall me speaking about this amazing arts and heritage festival that is held every two years in Queenstown on our beautiful west coast. The Unconformity is a contemporary arts festival exploring the paradoxes of Queenstown, a small mining community in the electorate of Murchison on our wild and mountainous west coast.

This year's festival, held from 19 to 21 October, will give us all a chance to experience that community's unmatched sense of place. I note my additional interest in this great festival as being a member of The Unconformity board. Many have asked why the festival is called The Unconformity and that is clearly articulated on their website. The festival is called The Unconformity -

Because we do not conform. We cannot afford to.

Nothing here conforms. Not the mine-ravaged hills that rise to the rain clouds in such stark contrast to the lush, green rainforest that envelopes the rest of the valley and beyond.

A moonlike landscape in the most unlikeliest of places - barren, rocky beauty?

Or despicable environmental carnage inflicted in the pursuit of making money?  
A valley pillaged and ultimately exhausted? Or a geological marvel whose riches  
were only matched by the ingenuity of those who mined it?

Is this a sad, old mining town still clinging to a forlorn hope its ore-bearing  
lifeline will awaken from her slumber and yet again share her riches?

Or a community embracing change, pursuing opportunities in a new creative  
economy and forging an exciting future, with an eye on its unique, century-old  
past?

The Unconformity has won awards and accolades, but it is the community that inspires and sustains it. The community has compelled us to grow this year's festival, including the extraordinarily popular and hugely oversubscribed artist-in-residence program. Queenstown is a remarkable place and home to a resilient and proud community adopting contemporary values to overcome profound local challenges. The emergence of a thriving arts community is having a positive impact on the town and region, with so many incredible artists now living in the region. This is a community that chooses to celebrate what it has, a town which is a paradox, incongruous, where cultural contradictions jostle for attention.

This year's festival will be mining new cultural experiences at the edge of the world. The cover of this year's program, which every member has a copy of, features the confluence of the King and Queen rivers. The Queen River is biologically dead at this point and is a very real example of the legacy of the past, something that Queenstowners and the Unconformity board and team do not shy away from. It is what it is. Engagement with the arts can encourage and discover other means to address and mitigate this legacy. Solutions are often found through the arts.

The opening event will truly be a celebration of the geological history of the west coast. It is entitled 'Tectonica'. As the program states -

Using bloody big speaker stacks on the main street, Tectonica will use sounds to tell the geological story of the West Coast - from 500 million years ago until today. Tectonica will kick-off on Friday at sunset with a rumble that will set the scene for a weekend of the epic noise and vibrations of volcanoes, geysers, earthquakes and meteorite hits. Ending on Sunday, we celebrate Queenstown's most recent great geological event - AC/DC's 1976 visit - with an earth shattering hour of their greatest tracks. BOOM!

Mr President, that is how the program describes it, and I am sure you all cannot wait to go. There is a special note in the program that says this project is loud, not a surprise. Earplugs are available before and during the event. We need to remember that people's hearing needs to be protected - you will hear it and you will feel it. It will be a bit like 'The Rumble' two years ago. Members who were there will remember that.

I encourage all members to read the program, in hard copy or online, to appreciate the program's breadth and variety of offerings, many of which are free to attend. Share it with family and friends and set aside some time to attend this not-to-be-missed festival. You will need to book online, and you can book from 12 September to ensure you have tickets to the events you want to attend. Many sold out quickly last year, and you will need to buy yours now.

If you plan to stay - it is a fair drive and once we have you down there we tend to keep you - you will need to book accommodation. You will need to book it soon, but it will need to be in Zeehan or Strahan because all the accommodation in Queenstown is sold out. As the website suggests, you can dismiss us, you can understand us, but come along and make up your mind. When you come back, which I am sure you will, do not expect things to be the same. See you there.

[11.18 a.m.]

**Ms RATTRAY** - Mr President, I will continue the seafood theme this morning. Many places across our state are embracing our cooler weather and coming up with great winter initiatives that are being supported in droves - for example, the Chocolate Winterfest at Latrobe or Dark Mofo in the south. The north-east has now put its hand up with the inaugural Tassie Scallop Fiesta.

The fiesta was held at Bridport earlier this month with three great events. To kick things off, a launch was held at the infamous Bridport Bunker Club and was attended by 120 people; it is not a big venue. This was one-third more people than originally catered for but the attendance cap was increased to accommodate the high number of people wanting to attend this new event. Tony Scott was the MC on the evening and he did a wonderful job. The opening was officiated by Ms Sarah Courtney on behalf of the Premier, the Minister for Tourism. This was a wonderful night, enjoyed by myself and all those who attended. I walked down the hill so I could enjoy the wine that went with the seafood, and walked back up as well.

**Mr Valentine** - What is next year's date?

**Ms RATTRAY** - I am not sure about that yet. As an aside, the Bridport Bunker Club was nominated in a number of categories at the recent Tasmanian Hospitality Association Awards for Excellence, where it was a repeat winner in the category of best RSL, sporting or community club. Congratulations to Di and Dion Turner and their team for the great work they are doing at the Bunker Club.

Saturday evening, just on dark, saw the river mouth near the boat ramp as the stage for a yoga performance, which represented the life cycle of the scallop under lights on the water with a number of canoes circling the surfboard yoga performers. The attire consisted of white coveralls with an orange tie to represent the roe of the scallop. I expect it was not an easy feat to keep your balance on a paddleboard and keep in time with the group. Well done, those who undertook the training and carried out the performance with no-one ending up in the water. My daughter Tiah was one of the people on the surfboards doing the yoga performance.

The finale, a fireworks display on the other side of the river, was enjoyed by the many onlookers. Sunday's fiesta was the main event. It was attended by the member for Derwent. Unfortunately, I was not able to be there.

**Mr PRESIDENT** - Did he wear an orange tie?

**Ms RATTRAY** - I am not sure. More than 2000 people took the opportunity to enjoy the live music, cooking demonstrations by celebrity chefs and the chance to sample scallops prepared in many different ways.

**Mr Willie** - Until they ran out.

**Ms RATTRAY** - I will get to that. One of the demonstrations that proved to be a crowd favourite was the very popular scallop splitting race, where competition was fierce. The Bridport team walked away as the champions. There was also a scallop pie competition which saw 10 outlets from across Tasmania and Flinders Island enter the categories of curried scallop and scallop mornay pies, mouth-watering to say the least.

I have been informed that the only downsides to the Sunday fiesta event were the long queues for food and unfortunately not enough scallops to satisfy the scallop cravings that were evident by the number of people who attended the Sunday event.

The idea for the fiesta was thrown around nine months ago by Bridport local Tony Scott. Together, he and the organising committee took their vision and, with much hard work, succeeded in showcasing a much-loved local seafood product, the humble scallop, with this three-event celebration that looks like becoming an annual event on the Tassie winter calendar.

My congratulations go to the organising committee for a wonderful initiative that has been a huge boost to the Bridport and north-east community at what is normally a very quiet time of the year.

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### **Recognition of Visitors Oatlands District High School Students**

**Mr PRESIDENT** - Honourable members, I welcome the Oatlands District High School legal studies group from Oatlands. Interestingly, I attended the funeral yesterday of former judge Bob Nettlefold, who came from humble beginnings in Oatlands. He went to St Joseph's School in Tunnack and finished up being one of the best judges, in my opinion, that Tasmania has had for some time. Who knows where you are going to? All the best and welcome.

**Members** - Hear, hear.

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### **National Brain Injury Awareness Week**

[11.23 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, thank you for that note on Justice Nettlefold. He was my son-in-law's grandfather. Yesterday's event included a very good summation of his life. I might say before I start my own offering that I started splitting scallops at the age of seven - child labour. Nevertheless, my offering this morning -

**Ms Rattray** - Is not about seafood?

**Mr VALENTINE** - It is not about seafood. It is about a quite serious topic concerning the national Brain Injury Awareness Week and the Brain Injury Association of Tasmania, which has some upsides to it but also some quite significant negatives for people in the community.

Last week I attended the Tasmanian launch of the Brain Injury Awareness Week, where the Brain Injury Association of Tasmania celebrated 20 years of supporting people impacted by brain injury. I spoke with the organisation's executive officer, Ms Deborah Byrne, who provided me with some information to pass on to and enlighten members in this Chamber.

Brain Injury Awareness week, which ran from 20 to 26 August 2018, is part of a campaign to raise awareness of brain injury in the community and to assist in a reduction in the incidence of brain injury. The week is significant not only for people who live with or are affected by brain injury, but also for organisations like the Brain Injury Association of Tasmania that work to support them.

The Brain Injury Association of Tasmania is the peak body formed to monitor and support the long-term needs of people living with or impacted by brain injury in Tasmania. The association was created in 1998 following the amalgamation of two organisations, Headway Tasmania Incorporated and the Tasmanian Brain Injury Program Incorporated. The association's first annual report discussed the problem of lack of services, support and appropriate accommodation options for people with acquired brain injury and their families in Tasmania. These issues remain core concerns for the association today.

With brain injury, often referred to as the invisible disability, impacting many in our community, the Brain Injury Association of Tasmania has worked tirelessly for the past 20 years to make sure the voice of people living with or impacted by brain injury is heard. It is estimated that over 2500 Tasmanians sustain brain injury across all severities each year, including stroke or such things as a footy injury that they may fully recover from at the end of the day.

In 1999, the Brain Injury Association was allocated \$50 000 to be the statewide voice for people living with or impacted by brain injury. Other than CPI, the association has not had a funding increase since that time. With 1.6 staff, the association does not have the capacity to fundraise. If funds could be raised, it would be to fund the re-establishment of the brain injury hospital community liaison position, which assisted over 137 people over a 10-month period.

The association has three strategic objectives - raise community awareness of acquired brain injury and its impacts; drive change to improve the lives of people living with or affected by acquired brain injury; and build strategic partnerships and undertake collaborative work to provide a strong voice for people affected by ABI.

The association advocates for Tasmanian government policies, programs and services that reflect the needs and priorities of people living with or impacted by brain injury. It provides input to policy, legislation and program development through active contact with Tasmanian government ministers, parliamentary representatives, departments and agencies and other disability and community organisations. It has a key role in activities that contribute to a community that is more informed about brain injury. Through the provision of training, education and resources, the association works to promote awareness and understanding of the impact of ABI on families, communities and service providers. It is also focused on ensuring the Australian Government's National Disability Insurance Scheme truly reflects the lived experience of acquired brain injury in all its disparity and diversity.

This year, Brain Injury Awareness Week also focused on increasing community understanding of the implications of parental brain injury for the Child Safety Service. Findings indicate an over-representation of parents with acquired brain injury disabilities among child protection cases. Parents with ABI disabilities are twice as likely to face the trauma of losing their children. For people with brain injury facing cognitive, physical, communication, behavioural or psychological challenges, parenting can present complex challenges. Research shows parents with brain injury reported less goal setting, less encouragement of skill development, less emphasis on obedience to rules and orderliness, less promotion of work values, less nurturing and lower levels of active

involvement with their children. Stigma, however, often surrounds the parenting capability of a person living with brain injury, especially if family violence is involved, even when they are not the perpetrator. This may result in people not seeking help for fear their children will be taken away from them.

The Brain Injury Association of Tasmania looks forward to many more years of supporting Tasmanians impacted by brain injury. Whether they will be able to do so, however, is largely dependent upon the outcome of NDIS information, linkages and capacity-building funding in Tasmania. In 2007, the Australian Institute of Health and Welfare released a report on acquired brain injury in Australia that cited 9300 Tasmanians with ABI and activity limitations or participation restrictions.

We have much to be thankful for when we consider the lives others are living as a result of some fateful accident at a moment in their lives. It is somewhat comforting to realise there is an association out there that has their back - the Brain Injury Association of Tasmania. I know members of this Chamber will join with me in congratulating the Brain Injury Association of Tasmania as it works to improve the lot of those living with acquired brain injury and I wish it well for its next 20 years as an active association, especially as it navigates the NDIS funding process.

**Members** - Hear, hear.

### **Tasdance**

[11.31 a.m.]

**Mr FINCH** (Rosevears) - Mr President, you would not think a small state like ours with a population of fewer than 520 000 would have such a renowned dance company as Tasdance. Since it was founded in Launceston in 1981, the company has made more than 150 new dance works by 80 choreographers, making it one of the most influential organisations in the development of contemporary dance choreography in Australia. The company has a very rich history in dance education and nurturing new choreographers, new dancers and, dare I say, the next generation of Australian dancers. Dance education in Tasmania will continue to be a key focus.

The aim, back in 1981, was to make the company Australia's first official dancing education company commissioned to take contemporary dance into schools through conducting workshops and performances. It first operated, I remember clearly, with a very small ensemble of dancers and teachers who performed and worked with school students and staff delivering one of the key goals of arts funding, which is to create access to the arts.

The arts director who, perhaps, did most to consolidate Tasdance's role was Jenny Kinder. She served us from Tasdance's establishment in 1981 through to 1994. I had a good relationship with Jenny. I remember when I was chairman of the fundraising committee for the establishment of the Earl Arts Centre, I went to Jenny for her support as head of our community's professional dance company. She asked me if the centre would have a sprung floor and I said, 'Oh, yes, it will have a sprung floor.' I thought, 'Where am I going to get one of those from?' She looked at me and asked how long I thought it would take to raise the money and I said it would be inside two years. Her eyebrows were raised, thinking these amateurs are not going to achieve that. I am pleased to say we were building the Earl Arts Centre within 18 months.

**Ms Rattray** - I would like you on my campaign team.



**Mr FINCH** - It is possible.

**Ms Rattray** - At a price.

**Mr FINCH** - At a price. If you look at the aims of Tasdance on its website, you will see that they want to contribute to the development of contemporary dance nationally; be a vital and successful, regionally based full-time professional dance company; contribute to professional development and education in dance; take a leading role in audience development with particular emphasis on regional Australia; and develop international partners and collaborators for Tasdance's very unique program mix. It continues to do that and even more.

After Jenny Kinder's formative role, the company had four inspiring artistic directors - Karen Pearlman, Richard James Allen, Annie Greig and, from 2015 to now, Felicity Bott. As of last week, there is a new one - local, Launceston-born, Adam Wheeler, who was introduced to dance through Tasdance many years ago.

When Adam's appointment was confirmed last week, a new management board was also announced. It consists of seven dedicated and highly qualified professionals with experience across not-for-profit governance, law, accounting, education and the arts. The new board continues to guide the organisation. It will give both the new artistic director, Adam Wheeler (tbc), and general manager, Alison Copley, support in the creation and delivery of a very rich artistic program. The keys to its continuing success are the Friends of Tasdance, who are dedicated to supporting the many artists who connect with Tasdance. They ensure every visiting artist to Tasmania is met with the true values that make Tasmania's artistic community great. Tasmanian artists always feel welcome and supported and in turn have the capacity to create great art here.

Tasdance will continue to be a centre for the dynamic and courageous making of new contemporary dance works, while being a vibrant and inclusive part of the Tasmanian community. Who would have thought such a small state like Tasmania would have such an influential dance company?

### **Business East**

[11.36 a.m.]

**Ms SIEJKA** (Pembroke) - Mr President, I would like to highlight the wonderful initiatives Business East provides to support businesses in Pembroke. I thoroughly enjoy visiting local businesses in my electorate. There is such a diversity of shops, cafes and services. I speak to many business owners who are passionate about delivering their products and services to the community. However, running a business requires a lot of hard work and determination. There are many challenging elements local businesses need to consider and it is essential they are supported.

I have been impressed with the services Business East provides and its local approach to supporting businesses and assisting them to grow. Business East is an organisation that facilitates small- and medium-enterprise developments on the eastern shore and beyond. Its focus is on providing guidance, advice, networking opportunities and support to businesses and employees.

Business East is governed by a board of local business people who bring diverse experience and skills to the organisation. The Business East Enterprise Centre located in Bellerive provides a

hub for members to seek advice and guidance on matters such as starting a business, business training, business planning, insurance, bookkeeping, marketing and finance.

This support is provided by the centre manager, John Beard, who is here with us today, and assistant business advisor, Tracey Jordan. John brings many financial and marketing skills to Business East, which he developed over many years working in management in the banking sector. John has been a long-serving manager at Business East, having spent 17 years with it. John knows everything and everyone, and is an absolute font of wisdom when it comes to advising the small business sector in the eastern shore community.

Tracey comes to the organisation with a wealth of knowledge of customer service from many years in personal insurance. Between them, John and Tracey have over 62 years of business experience. Their combined knowledge and skills, shared through Business East's services, is a fantastic asset for the community. Their service means businesses can receive advice and guidance on many topics in the one place, from people who understand the local community.

Business East also actively supports women in business. Through the Women in Business events, and Enterprising Women's forum dinners, women have the opportunity to network and hear from guest speakers who share their experience in business. Each event has a different focus, with an open and welcoming event for all the people who attend. It provides a valuable opportunity for women to network and support each other with their businesses.

The most recent Enterprising Women's forum dinner featured Kellie Wilkie, a childhood friend of mine, as guest speaker. She is the managing director and principal physiotherapist of BODYSYSTEM. The topic of the event was 'A Happy Work/Life Balance and a Happy Staff Equals Happy Clients'. While I was not able to attend this particular event, I sponsored a ticket and heard it was successful for everyone who attended.

I have had the opportunity to attend previous Women in Business events with Business East and was impressed by how warmly they welcomed people. Members and guests who attend these events comment on how valuable it is to have the space to be with other women, to share the successes and challenges of business, and give back by supporting each other's businesses. This extends through the whole Business East network, with regular business forums and a quarterly newsletter. There is a culture of sharing knowledge, supporting local businesses and celebrating achievements.

Business East hosts many events through the year but one of their larger events coming up at the end of the year will be the 2018 City of Clarence Business Excellence and Service Awards. This annual event is conducted by Business East to acknowledge businesses across several areas. The Business Excellence Award recognises excellence in overall business planning, management and operations. There are several categories for this award, including enterprise and innovation, ebusiness, environmental sustainability, new business and community contribution. The Customer Service Award aims to identify and reward excellence in customer service provision across a range of business types, including retail, hospitality, tourism and professional service industries. A third category aims to acknowledge staff members, with the Employee of Choice Award giving recognition to a high-performing staff member who takes pride in their work. It acknowledges staff members who demonstrate loyalty, enthusiasm, initiative, communication skills, leadership skills and teamwork.

Nominees and winners of these awards will be recognised at a gala event that will be held later in the year. That is an annual event on the calendars of many businesses in Pembroke; there is always much excitement around it, and it is extremely well attended. I believe it is a fantastic opportunity for businesses to showcase their services, and I encourage businesses in my electorate to nominate for these awards. Entries need to be submitted by 18 September. My electorate office has further information available for those who are interested in nominating or for community members who would like to nominate others for an award. A number of members here have electorates that cross into this area. This will appeal to the member for McIntyre: the judging process involves a mystery shopper, a job that very much appeals to me -

**Ms Rattray** - It's an ideal job for me; I would also like to do this.

**Ms SIEJKA** - I look forward to hearing who the nominees and the winners are for 2018, and I wish Business East all the best for this event and for the work they do throughout the year.

**Members** - Hear, hear.

## **NATURAL RESOURCE MANAGEMENT AMENDMENT BILL 2018 (No. 7)**

### **Third Reading**

Bill read the third time.

### **MOTION**

#### **Gender Pay Gap - Ongoing Disadvantage for Women**

[11.43 a.m.]

**Ms FORREST** (Murchison) - Mr President, I move -

That this House notes:

- (1) The gender pay gap remains as a major impediment to gender equality.
- (2) The gender pay gap negatively impacts on the wellbeing of women, particularly the financial and social wellbeing, from the commencement of employment to well beyond retirement.
- (3) Progress made in gender equality and equity has contributed to making the world a better place across all wellbeing measures and it is critically important to our future that we all do much more to address and eliminate the gender pay gap.
- (4) The gender pay gap has narrowed over time but still exists.
- (5) The gender pay gap is the average difference between a man's and a woman's remuneration.

- (6) According to research undertaken by the Commonwealth Workplace Gender Equality Agency (WGEA) using any measure the gender pay gap exists;
  - (a) The national gender pay gap is 15.3 per cent, with women earning, on average, \$253.70 a week less than men;
  - (b) The total remuneration gender pay gap is 22.4 per cent;
  - (c) There is a gender pay gap favouring men in every industry and occupational level, regardless of whether they are male or female-dominated;
  - (d) As soon as women graduate they earn less than men in 17 out of 19 fields of study and across nine out of 13 industries;
  - (e) Technicians and trades positions have the highest gender pay gap at 26.7 per cent, while clerical and administrative roles have the lowest at 8.4 per cent; and
  - (f) There is a 24.9 per cent pay gap between male and female key management personnel.
- (7) Employers are continuing to act on pay equity with 155 Australian business leaders publicly signing on to the Workplace Gender Equality Agency (WGEA) Pay Equity Ambassador program, 38 per cent of employers are analysing their pay data and more than half of those are acting on the results; however, greater awareness and more direct action is required.

I believe this to be a very important matter to be raised in our parliament, particularly as some members have indicated in past debates a lack of acceptance or perhaps full appreciation of the reality and extent of the gender pay gap. Unfortunately, some of those members are not in the Chamber now; I hope they are listening in other places. One reason I brought on this motion is the clear lack of understanding of what the gender pay gap is and how it affects women in our communities.

Private enterprise and governments around the country and the world are well aware of the gender pay gap and many are taking action. However, the gender pay gap remains a very real and a significant issue. It is discriminatory and results in ongoing disadvantage for women throughout Tasmania, Australia and the world.

The gender pay gap is calculated by the Workplace Gender Equality Agency - WGEA - using data from the Australian Bureau of Statistics. The gender pay gap is an imperfect measure and it is difficult to find a single figure that captures the scope and complexity of workplace gender inequality. The conventional measure is based on the difference between men's and women's average full-time base salary earnings and expressed as a percentage of men's earnings. In Organisation for Economic Co-operation and Development - OECD - countries, the median wage for women is 85 percent of men's.

An article published in *The Conversation* on 2 March 2018 noted that the gender pay gap remains a permanent fixture in Australia, having barely changed in the last 20 years despite changes to educational attainment, participation and legislation prohibiting discriminatory behaviours. On the 7 October 2017, *The Economist* published an article entitled 'Men, women and work, the gender pay gap', which sheds some light on the reality and basis of the gender pay gap. It says -

Data from 25 countries collected by Korn Ferry, a consultancy, show that women earn 98% as much as men who do the same job for the same employer. The real reason is twofold. Women outnumber men in positions with lower salaries and little chance of promotion. And men and women are segregated between occupations and industries; those where women predominate pay less.

Just a fifth of senior executives in G7 countries are female. Across the European Union supervisors are more likely to be male, even when most of their underlings are female. Nearly 70% of working women in the EU are in occupations where at least 60% of workers are female. The top four jobs done by American women - teacher, nurse, secretary and health aide - are all at least 80% female.

Occupations dominated by women have lower status and pay. Primary teachers in the OECD earn 81% of the average for graduate jobs. Nurses earn less than police officers; cleaners less than caretakers.

It goes on to say further that gender pay gap would shrink if men moved into female-dominated jobs and vice versa. This is the argument that then it does not apply, but in areas dominated by women it does. I will come back to that in a moment.

The article in *The Economist* also noted that the proportion of business and management degrees earned by women has grown but the number of women in managerial and senior jobs has not kept pace. The article states -

The proportion of business and management degrees earned by women has grown steadily, but that of women in managerial and senior jobs has not kept pace. In America about half of college degrees in business awarded since 2000 have gone to women, but the share of senior executives who are female has remained stuck at one in five.

Women used to be less likely to ask for promotion. No longer: a survey by McKinsey in 2016 found that women in corporate America asked at the same rate as men. It also found that women and men were promoted at similar rates, except at the lowest rungs of the career ladder, where women lagged behind. A possible reason is that managers are reluctant to promote women who are starting families, or are likely to do so soon.

The article also refers to what it calls the 'motherhood penalty'. It goes on to say -

It so happens that the opportunity for the critical first promotion often coincides with wanting to start a family. Data from Britain show that the age at which women's pay starts to fall behind men's tracks the age at which they typically have their first child...

Further in the article, it says -

A recent American study put the motherhood penalty - the average by which women's future wages fall - at 4% per child, and 10% for the highest-earning, most skilled white women. A British mother's wages fall by 2% for each year she is out of the workforce, and by 4% if she has good school-leaving qualifications.

Motherhood is motherhood, but women are being penalised as part of the gender pay issue. Government policies often shape men's and women's expectations for their careers. The article spoke to that as well -

Government policies also play a role in men's and women's decisions about how to combine parenthood and jobs. They do more than raise or lower the cost of working for women. They shape men's and women's expectations for their own and each others' careers - and companies' decisions about whom to hire and promote.

Many countries have offered paid maternity leave for decades. When it lasts a year or less, it boosts women's employment. In America, the only rich country without legal entitlement to maternity leave, a quarter of women return to work within ten days of giving birth. But many never return because they cannot bear the thought of leaving a newborn in child care, or because paying for it would wipe out all or most of what they earn.

While the provision may be there, we see this gap being magnified in cases where it is not. We need to focus on supporting fathers as well as mothers if we want to reduce the gender pay gap. Under the subheading, 'To help mothers, help fathers too', *The Economist* article comments -

Even with wisely designed maternity policies, generous child care and Scandinavian rates of paternity leave, women will not catch up with men at work without a broader sheet towards flexible working. That would also help men to be better fathers. Fewer now aspire to be just a breadwinner. Research by the Diversity Council of Australia found that more than a third of young fathers had seriously considered leaving their organisation because it would not let them work flexibly. Though Australian men ask for flexible working less often than women they are much more likely to be rejected.

We still have some work to do. If we do not enable fathers to undertake a caring role by giving them access to flexible working times, we are doing both women and men a major disservice. For the last three years Gender Equity Insights reports have provided significant detail regarding this important matter under the BCEC/WGEA gender equity series. These reports are available on the Bankwest Curtin Economics Centre website. While the latest report offers some encouragement to Australian businesses, the effective actions are inconsistent. I will read the key findings of the 2018 report, talking about the whole issue and where progress is or is not being made.

The first key finding is that -

More organisations are taking pay equity seriously.

More Australian employers than ever before are taking pay equity seriously, with increases in organisations with both policies and actions related to gender pay gaps.

In the four years of WGEA reporting, employers with a formal remuneration policy or strategy increased by 10 percentage points, from 48.9% in 2013-14 to 58.5% in 2016-17. Simultaneously, the proportion of employers undertaking a pay gap analysis increased from 24.0% to 37.7% in the same period.

That is all good, but doing a pay gap analysis on its own is not going to fix the problem.

The second finding -

A re-balancing among top-tier managers' salaries.

There seems to be a re-balancing in salaries between male and female workers that is the root cause of large gender pay gaps, especially among top-tier managers. This re-balancing has seen male top-tier managers' salaries decrease by almost \$4000 on average and female top-tier managers' salaries increase by around \$24 000 on average for those organisations that undertook a pay gap audit and took action to remedy the results. This represents an average reduction in the gender pay gap of around 5 percentage points for top-tier managers in these organisations.

Large adjustments in discretionary pay, mostly paid at the top level of organisations, demonstrates the value of analysing pay gaps and taking action as an important step towards narrowing the gender pay gap. This recalibration of salaries at the top echelons is starting to bring men's and women's salaries more into line, and is driving a greater degree of fairness in company remuneration policy.

When you see men's salaries decrease by \$4000 and females increase by \$24 000, you can see where the problem is. There has been a massive discrepancy.

The third finding -

Reporting gender pay gap audits to leadership critical in driving down gender pay gaps.

One of the most common actions among firms that undertook a gender pay gap analysis is to report these results to the Executive. More than 1 in 4 organisations that undertook a pay gap analysis in 2016-17 reported their findings to the Executive and 13.9% reported on pay gaps at Board level.

Combining pay equity actions with accountability at leadership level has proved to be a powerful approach for many companies. Companies that take actions to correct like-for-like gender pay gaps, combined with a commitment to reporting pay gaps at Executive and Board level, saw a reduction in their organisation-wide gender pay gap by an average of 3.3 percentage points in the last year alone.

That is all good progress. The next finding -

Pay equity actions more effective in combination than in isolation.

Improved gender pay outcomes are far stronger for companies that combine specific pay equity actions, reinforcing the effectiveness of those actions with accountability through reporting to company Executives and Boards.

Actions to correct like-for-like gender pay gaps are three times as effective in reducing overall pay inequities when combined with reporting to Executives and Boards.

For managers, the power of combined actions is even more apparent. Managerial gender gaps in total remuneration fell by nearly 13 percentage points between 2015-16 and 2016-17 for companies that combined actions to correct like-for-like pay gaps with accountability at Executive and Board level. Actions to review performance pay processes are also far more effective when combined with reporting to Executives and Boards, with managerial gender pay gaps in total remuneration falling by 7.3 percentage points between 2015-16 and 2016-17.

The final finding of that report was noted under the subheading, 'Mining and finance leads by example', which is interesting when you consider mining to be a very male-dominated area, with finance much the same. The report found that -

Mining companies offer relatively high rates of discretionary pay of up to 39% above base salary for managers, yet retain low gender pay gaps in total remuneration of 7.4% in 2016-17. Mining also continues to perform well in driving down gender pay gaps. Mining firms reduced the overall gender pay gap in base salaries by 2.1 percentage points between 2015-16 and 2016-17, and in total remuneration by 1.6 percentage points, once compositional differences between Mining and other industry sectors have been accounted for.

Almost two-thirds of organisations in the Finance and Insurance and Mining sectors undertook a pay equity audit in 2016-17, compared to an industry-wide average of around 38%. This commitment to drive greater gender pay equity is bearing fruit. Finance and Insurance companies reduced the average gender pay gap in total salaries between 2015-16 and 2016-17, from 29.9% to 28.5%.

These may seem like small increments but they add up, particularly when we are talking about the higher echelons where the pay is significant. Progress is being made but it is very slow. At least many more companies are recognising the need to do something about it. If these sorts of industries, such as mining and finance, want to attract women, they have to do something about it.

Despite the progress being made, the persistence of the gender pay gap in the Australian labour market is a perplexing issue. It is difficult to accept that a gender pay gap exists in favour of men across 17 out of 19 fields of study and across nine out of 13 industries, meaning that women are paid less with the same qualifications as men when they complete the same degree on exit from university. How can this be? They have done exactly the same degree; they have exactly the same qualifications; and they come out experiencing a gender pay gap across 17 out of 19 fields of study and nine out of 13 industries. It does not make any sense.



This is not only in the more male-oriented areas, although these are where the largest pay gaps are, with men's undergraduate starting salaries averaging at 15.3 per cent and 10 per cent more than women in architecture and building, environment, and science and mathematics. What is also perplexing is that there is also a gender pay gap favouring men in health services. Health services is said to be a predominately female occupation. It has a 72.7 per cent female workforce and the pay gap in health in favour of men is 9.1 per cent, putting paid to the argument the member for Windermere put that in those areas it does not happen - it does. This is unbelievable, but it is a reality and it is simply not acceptable.

The related fact sheets on the WGEA website regarding this issue note that gender imbalance in higher education enrolments and course completions favours women. That is, more women enrol and complete tertiary education. As I said earlier, seven out of 13 fields of study are highly gender-segregated. This includes engineering and related technologies, where males comprise 84.4 per cent of enrolments, and education, where females comprise 75 per cent of enrolments.

The proportion of men and women entering the labour market on a full-time basis is relatively high and gender-balanced. They begin work at a similar level, but gender pay gaps are higher among individuals with postgraduate qualifications, with a pay discrepancy that reflects the national average gender pay gap. Salary data shows that a gender pay gap exists in favour of men across 17 out of 19 fields of study and nine out of 13 industries. In economic terms, lower salaries mean women receive lower rewards than men for investing in tertiary education. You wonder why we have trouble attracting women to tertiary education at times; in 17 out of 19 fields of study they are going to be paid less money as soon as they exit. We simply cannot deny or ignore these facts. We must act and remove such discriminatory practices, and call them out when they occur. That is what I am seeking to do here.

The past decades have seen some advances with intentional policy initiatives targeting a reduction of the gender pay gap between women and men. As noted, the number of women who study at university now exceeds men and discrimination on the basis of gender is now prohibited in Australia by law. A plethora of other initiatives, ranging from government tax transfer reforms to general advocacy for workplace gender equity, has failed to achieve any meaningful reduction in the pay gap. Undertaking pay or equity audits alone is not effective or sufficient.

According to the *Gender Equity Insights 2017: Inside Australia's Gender Pay Gap* report by Cassells, Duncan and Ong, the consequences of the gender pay gap are both severe and diverse. At a macroeconomic level, gender pay gaps can depress economic growth and productivity. At an individual level, it slows down the rate of wealth accumulation by women relative to men. That reality has ramifications that reverberate across a woman's life, with women bearing exposure to poverty and disadvantage at every age. Within the context of an ageing population in which women are disproportionately represented, gender pay gaps and gender wealth gaps pose significant risks to the economic wellbeing of Australian women. They also have important implications for social equity and fiscal sustainability.

The Commonwealth Workplace Gender Equity Agency calculates the national pay gap as being 15.3 per cent. Using this estimate, the gap of 15.3 per cent indicates that for every one dollar a male employee receives, a female employee receives 85 cents. Australia's national pay gap has hovered between 15 and 19 per cent for the past two decades. Between 1997 and 2017, the gender pay gap was lowest in November 2004 at 14.9 per cent, and highest in November 2014 at 18.5 per cent, a 10-year period.

As at November 2017, the gender pay gap by state and territory was lowest in South Australia, at 10.3 per cent, and highest in Western Australia, at 22.5 per cent. Tasmania's gender pay gap is 10.9 per cent, slightly higher than South Australia's. Between 2016 and 2017, Tasmania had the second smallest gender pay gap, at 10.9 per cent, after South Australia at 10.3 per cent.

The gender pay gap by industry, as at November 2017, was lowest in public administration, safety and other services, at 6.8 per cent, and highest in financial insurance services at 26.1 per cent, which I referred to earlier as seeing some progress. The gender pay gap in the private and public sector, as at November 2017, was 19.2 per cent in the private sector and 10.8 per cent in the public sector.

The cold, harsh reality of the gender pay gap, according to WGEA data, reveals that the full-time total remuneration gender pay gap is 22.4 per cent, meaning that men working full-time earn \$27 000 per year more than women working full-time. ABS and WGEA data both show a gender pay gap favouring full-time working men over full-time working women in every industry and occupational category in Australia. As noted by the Australian Human Rights Commission publication, *Face the facts: gender equality 2018*, women and girls make up 50.7 per cent of the Australian population but women comprise roughly 47 per cent of employees and take home \$253 a week less than men. Australian women have to work an extra 56 days a year to earn the same pay as men for the same work. Additionally, they spend 64 per cent of their working week on unpaid work, twice as much as men.

This inequality impacts women throughout their lives. In 2015-16, average superannuation balances for women aged 60 to 64 years were just over half, 58 per cent, of those of men. Men have an average super payout of \$270 710 while the average super payout for women is \$157 050, a difference of \$113 660.

Women spend 64 per cent of their working week performing unpaid care work, which is twice as many as the hours of men. Australian women account for 68 per cent of primary carers, 70 per cent of primary unpaid carers of children and 58 per cent of primary unpaid carers for the elderly, people with disability or long-term health conditions, adding to the challenge of the gender pay gap.

It is also important to note that across the Commonwealth there has been no movement in the political sector. Between 2015 and 2018, the current status of women in leadership is still at 17 per cent compared with an increase from 14 per cent to 20 per cent in the private sector in terms of board and leadership positions. I appreciate the work the Tasmanian Government is doing to address this. The Tasmanian Parliament is the first state parliament in Australia to have 50 per cent female elected members. Tasmania also has women holding the positions of Speaker, Opposition Leader, Deputy Leader, Leader and Deputy Leader of the Tasmanian Greens, Leader of Government Business in this House, Deputy President, Chair of Committees and Deputy Chair of Committees in this House. In Tasmania, we are actually doing quite well in the political sphere of parliament. There is still some work to be done with our boards and committees, particularly the government ones. I appreciate the Government has a focus on increasing those numbers, but there is still a discrepancy in females as the chairs or senior positions on those boards and committees.

According to the Boardwalk Leadership website, across Australia the percentage of leadership positions held by women across all sectors in the political sector is only 19 per cent. In the public sector it is 43 per cent and in the private sector, only 13 per cent. Clearly, more work is needed. The real question is: why does this happen?

A report published by UNSW Canberra in August this year and authored by Sue Williamson and others titled *The Role of Middle Managers in Progressing Gender Equity in the Public Sector* drew on findings from four jurisdictions: New South Wales, Queensland, South Australia and Tasmania.

The main findings of the report are -

- Senior executives and the majority of middle managers have a strong, and demonstrated commitment to progressing gender equity in their agencies,
- The knowledge of middle managers on gender equity policies in their agency is variable and dependent on a range of factors, including the existence of education and awareness activities undertaken by their agencies and the opportunity to discuss the policies and gender equality strategies. Some contrasted this with the more active commitment of resourcing of White Ribbon and domestic violence awareness training,

White Ribbon and domestic violence awareness training are good initiatives, but middle managers in our public service need to be sure they have discussions about gender equity and equality in this area as well, otherwise nothing will change -

- Managers welcomed the opportunity to discuss how to implement gender equity in their daily working practices, and requested that senior leaders facilitate such conversations. Managers are also largely committed to having these conversations with their staff ...

That is a good point -

- Many managers are committed to enabling employees to work flexibly, but also seek greater support on how to manage requests and how to manage employee performance,
- A high level of awareness on how unconscious bias manifests in recruitment and selection processes was evident in most of the organisations. Managers are committed to addressing the operation of biases, but would also benefit from further support in this area ...

Conscious and unconscious bias is a big issue. It is a conversation that needs to be had at all levels. Even in this place we need to acknowledge our own conscious biases and also knowledge that we all have unconscious biases -

- Most managers had a rudimentary understanding of how the merit principle operates in relation to gender equity. While all were committed to employing 'the best person for the job', conceptions of how merit is constructed and how merit and gender intersect were at a low level ...

Mr President, you have to be able to 'walk the walk' as well as 'talk the talk'. The final finding was -

- Within each agency, we identified examples of innovative good practices to progress gender equity, spanning the employment cycle.

The report also notes -

There was significant evidence of vertical segregation. While each jurisdiction has a majority-female workforce, when we remain over-represented in lower employment classification levels and are not proportionately represented in leadership positions. For example, the Queensland Public Service Commission noted the slow increase in the percentage of women in Senior Executive Service positions, from 29 per cent in 2003 to 34 per cent in 2014, and noted '(a)t this rate of change it will take until around 2045 to achieve gender parity'. Similarly, women comprised between 35 and 48 per cent of senior leadership in other jurisdictions studied (35 per cent in Tasmania as at August 2016; 37 per cent in New South Wales in 2015; and 48 per cent in South Australia in 2017.

Women are more likely to work part-time due to their caring responsibilities, which further limits their career opportunities. The South Australian government noted: 'In 2011, the Executive Feeder Group Survey found that the belief that [women] could not access flexible work arrangements as an executive was a significant deterrent to respondents aspiring to executive levels for both genders, but women chose this reason more frequently than men.

Three jurisdictions (Queensland, South Australia and Tasmania) have a gender equity strategy.

The report notes that all jurisdictions commit to -

- making leaders accountable and visibly committed to gender equality
- changing workplace cultures and HR processes to overcome biases, and -

Something we all have mentioned -

- supporting flexible working arrangements for both women and men.

Some members did not fully appreciate this important issue as evidence during previous debates. One of the reasons for this motion is with particular regard to the employment in the areas with majority female employees, such as nursing and teaching.

This report comments on this particular matter -

However, many participants equated gender equity with numerical parity: that is, they said that gender equity would be achieved when women comprised 50 per cent of senior leaders. Consequently, many managers considered that gender equity was not a high priority for their departments, or had already been achieved, due to the relatively high representation of women in senior leadership roles, particularly when compared to the private sector. Comments such as the following were typical:

'It's not something I've come across here ... gender is not an issue in this Department'.

The following is the crux of this issue and an important matter we all understand. I quote from the report -

It could be argued, however, that women holding 50 per cent of leadership positions is not an equitable outcome when women hold around two-thirds of all public sector positions. Indeed, some managers argued that despite the overall representation of women in the public sector, forms of gender inequity remain embedded in the service, but are often overlooked. These include: gendered cultures and behaviours, limited opportunities for individuals (mainly women) with caring responsibilities or working part-time, horizontal and occupational segregation and entrenched sex role stereotyping. In general, managers working in agencies where concerted conversations had taken place around the aims of their respective gender equity strategies were more likely to hold these more nuanced views of gender equity.

The report also noted -

... our research highlights the importance of strong agency leadership in promoting conversations about gender equity, particularly in employment contexts where numerical gender parity (or near parity) may mask more subtle sources of inequity.

I commend the report to all members. It is very informative and available through the Parliamentary Library. The report also includes an appendix that provides a leading practice guide that I hope all middle managers will consider and use.

The issue of occupational segregation was also discussed in the 2016 KPMG report, *She's Price(d)less: The economics of the gender pay gap*. Occupational segregation refers to the percentage of women and men in major occupational groups. Occupational segregation has decreased slightly since 2009; however, women still have high representation in clerical and administrative, community and personal service and sales occupational classes.

Of particular note is that 22.4 per cent of women worked in an administrative position compared to 7.3 per cent of men. Men still dominate the technicians and trades, machinery and labour and STEM - that is science, technology, engineering and mathematics-related occupational classes. Different occupational classes are also associated with varying rates of pay, with occupations historically dominated by women typically being lower paid.

'Industry segregation' refers to the percentage of women and men in major industry sectors. Industry segregation has increased since 2009, but men continue to occupy an array of positions in higher paid industry divisions and male representation has increased in these divisions since 2009. Further female representation has increased in the healthcare and social assistance industry since 2009, and industry that traditionally attracts lower incomes.

Disparity in gender representation in managerial roles across sectors continues to persist. In 2014, 19.4 per cent of men worked in managerial positions compared with only 11 per cent of

women. This has increased marginally from 15.8 per cent of men and 9.1 per cent of women in 2007.

Workplace and workforce flexibility is important in addressing the gender pay gap. People often consider this to mean flexible work times and opportunities for women but it also means flexible work times and opportunities for men. *The Economist* article I referred to earlier also notes the issue in reference to parental leave. Parental leave extended to fathers can exist, and does in some places, but it is limited. Few countries offering parental leave cover two-thirds of male earnings, the amount recommended by the OECD. Even progressive families, when confronted with the loss of the father's earnings, find themselves reverting to the traditional parenting roles of the 1950s.

Women will not catch up with men at work without a shift to more flexible working that also helps men. Few men want to be seen solely as the breadwinner. Although Australian men ask for flexibility less often than women, they are more likely to be rejected when they ask. That needs to change. It needs to be part of the solution and consideration of the best outcomes for families. Flexibility is not only a women's issue. It is good business practice, with mutually beneficial arrangements where home and business priorities are met.

The gender pay gap is very real and has a lasting and negative impact on women. There have been some changes in legislation since 2009 that seek to address this very real challenge. Unfortunately, progress remains slow across all areas. Some of the changes we have seen include amendments to the Sex Discrimination Act 1984, which came into effect on 20 June 2011, and providing protection against direct discrimination on the grounds of family responsibility and increasing accommodation for breastfeeding mothers. The Fair Work Act created the national workplace relations system, which began on 1 July 2009. Under the Fair Work system, a right for employees to request flexible work was enshrined in law. The Workplace Gender Equality Act 2012 replaced the Equal Opportunity for Women in the Workplace Act 1999. This resulted in strengthened legislation aimed at improving and promoting gender equality for both women and men in the workplace. The Workplace Gender Equality Act 2012 also established WGEA, which is charged with promoting and improving gender equality in Australian workplaces. Australia's first paid parental leave scheme was introduced on 1 January 2011, providing government-funded pay for eligible working parents when they take time off to care for newborn or recently adopted children.

There is also greater awareness, thanks particularly to the work of WGEA, with gender equality being promoted across Australian workplaces through a number of key initiatives. These include the WGEA Employer of Choice for Gender Equality citation that commenced in 2014. That is a leading practice recognition program that aims to encourage, recognise and promote active commitment to achieving gender equality in Australian workplaces. This citation is strategically aligned with the Workplace Gender Equality Act 2012 and recognises that gender equality is increasingly critical to an organisation's success and is viewed as a baseline feature of a well-managed and leading organisation.

More broadly, there has been a push by many public sector agencies and private sector companies to tackle workplace discrimination. Notably, initiatives including the Male Champions of Change, the WGEA Pay Equity Ambassador and Employer of Choice programs aim to prioritise reforming workplaces by challenging existing structures and ways of thinking that may drive inequality. For example, the Male Champions of Change challenges the notion that gender equality is reliant on women's activism, and emphasises the need for active engagement by men to drive and

accelerate change not on what is a women's issue but on an economic and social issue. The 26 companies that form the Male Champions of Change are responsible for over 400 000 employees, 170 000 of whom are women. It is worth looking at the website and seeing who is there. You will probably know some of them.

Despite policy and legislative environment improvements that have sought to drive greater flexibility and gender equality in the workplace, the structural and systemic discrimination faced by women remains difficult to address. The study carried out by Polachek and Xiang in 2014, and referred to in the 2016 KPMG *She's Price(d)less: The economics of the gender pay gap* report -

... suggested that a significant cause of the discrepancy in return on investment is caused by a complex interplay of social factors and gender norms.

I quote briefly from that report -

Notably, the study highlighted the variation in wage gap was highly linked to demographic characteristics such as marital status, children, and the spacing of children. The gap between single men and women was the smallest, at less than 10 per cent, while the gap between married men and women grew to approximately 40 per cent. Polachek and Xiang suggested that this is due to societal and familial expectations that women take the role as primary caregivers, thus reducing their capacity to dedicate to lifetime work, and the associated earnings growth. Notably, the wage gap grows most prominently during the period in which women generally have children, with the male wage profile growing most sharply at this stage, while the female wage profile tends to remain stagnant.

In the last 20 years the pay gap has reduced by 0.8 per cent - not much, but it has reduced. Gender discrimination is still the single largest factor impacting the pay gap. The 'She's price(d)less' report notes that the original KPMG 2009 report found that in 2007, of the hourly pay gap of \$1.29 - \$17 in today's dollars - approximately 35 per cent was potentially attributable to sex discrimination. Seven years on, KPMG's latest analysis of the 2014 wave of Household Income and Labour Dynamics in Australia - HILDA - survey indicated that a gender pay gap persists and sex discrimination continues to account for the single largest component of the gap, and indeed has increased over this time.

Based on analysis of HILDA data, KPMG estimates the gender pay gap on an hourly basis increased from \$1.70 in 2007 to \$2.41 in 2014, in today's dollars. KPMG considered a number of data sources in estimating the gender pay gap and hourly wage gap. The most recent data available from the HILDA survey Wave 14 showed that women earned \$29.07 per hour on average while in 2014 men earned \$31.48 on average. This represents an hourly wage gap of 7.7 per cent, or \$2.41 an hour, an increase of 5.6 per cent since 2007. Similarly, data published by the ABS showed an increase in the weekly full-time gap over the same period, from 15.5 per cent to 18.6 per cent. The most recent labour force statistics published by the ABS for 2014 to 2016 suggests the gap in average weekly earnings reduced significantly to about 16.2 per cent in 2016.

Taking these latest trends published by the ABS into consideration suggests the hourly wage gap may have declined to 6.2 per cent in 2016. Applying this trend to the hourly wage gap estimated in 2014 HILDA data suggests the hourly wage gap may have fallen by \$2.02 in 2016. While this is a step in the right direction, there is still work to do to avoid stagnation and even regression.

A number of factors directly impact on gender equality and, as such, directly contribute to the gender pay gap and need to be addressed. It is also increasingly recognised that gender equality is critical to an organisation's success. For gender equality to be realised, sex discrimination must be addressed because this is a key fact contributing to the gender pay gap. The 2016 KPMG report informs us that sex discrimination as a component of the pay gap has decreased to 35 per cent in 2017 from 38 per cent in 2014. Other contributing factors are carer interruptions, part-time employment, industry segregation and occupational segregation.

I hope my contributions have assisted members to more fully appreciate the reality and the impact of the gender pay gap. It has real and lasting impacts on women and must be acknowledged and addressed. Ignoring or denying this reality is ill informed and naive. Major corporations, businesses and industries large and small are acknowledging and seeking to address this across the public and private sector. It is incumbent on all of us as elected member to do what we can to ensure it remains at the forefront of policy decisions and legislative reform. As the motion clearly states, the gender pay gap remains a major impediment to gender equality. The gender pay gap negatively impacts on the wellbeing of women, particularly financial and social wellbeing from the commencement of employment to well beyond retirement.

While progress is being made in gender equality and equity, and has contributed to making the world a better place across all wellbeing measures, it is critically important to our future that we do much more to address and eliminate the gender pay gap. The gender pay gap has narrowed over time but still exists and we must continue to act on all areas contributing to it.

Let us not forget that the gender pay gap is currently 15.3 per cent, with women earning \$253.70 a week less than men on average, with a total remuneration gender gap of 22.4 per cent. The reality is that there is a gender pay gap favouring men in every industry and occupation level, regardless of whether they are male- or female-dominated. Furthermore, incredibly and unacceptably, as soon as women graduate they earn less than men in 17 out of 19 fields of study, and across nine out of 13 industries.

There are a number of great initiatives in place, such as the Male Champions of Change that I spoke of, but much more needs to be done, and all leaders, whether elected or in business or industry, need to be proactive in this area.

The broader economic benefits are real and measurable. The social benefits are also real and measurable. Ignorance is not acceptable and we must all play a part in addressing this inequity and the issue of inequality.

Mr President, I look forward to other members' contributions. This is one way of playing a part in this important issue.

[12.26 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the Hodgman Liberal Government believes that equal participation of all members of society is critical to reducing financial disadvantage, enhancing economic growth and democratic governance, and increasing the wellbeing of women, girls and their families in this state.

The gender pay gap is a powerful indicator of the widespread gender inequality that continues to disadvantage women and impact upon their financial security. It is generally recognised that women are more likely than men to have interrupted careers and to spend less time in the workforce,



often due to caring responsibilities; as well, they comprise a higher percentage of the casual and part-time workforce than men and are more likely to receive lower pay.

These circumstances impact on women's ongoing financial security as well as retirement savings, and the cumulative effect of the gender pay gap results in women retiring with around half as much superannuation as men.

While many of the economic levers that affect the gender pay gap are federal government responsibilities, the state Government believes that it can play an active role in advocating for, educating and empowering women of all ages to address this issue by working with key sectors on how they, as employers, can contribute to cultural change. That is why the state Government, in the delivery of its gender equality agenda, has a strong focus on being a strong role model and identifying specific impacts of its programs and policies for women and girls, including the key issue of the gender pay gap.

The national gender pay gap is calculated by the Workplace Gender Equality Agency - WGEA, using data from the Australian Bureau of Statistics. The good news is that as at 28 August 2018, the national gender pay gap has reached its lowest level in 20 years at 14.5 per cent, noting that the gender pay gap was 17.2 per cent under the previous Labor government and had previously hovered around 15 per cent to 19 per cent in the past two decades.

In Tasmania, the gender pay gap is well below the national average, at 10.9 per cent, or \$152.90 per week, less than men. This is the lowest gender wage gap in the country after South Australia at 10.3 per cent.

Continuing to reduce the pay gap between men's and women's earnings is a key factor in helping to achieve not only greater financial security for Tasmanian women, but also broader gender equality. Financial security is therefore one of the four key focuses of the Government's Tasmanian Women's Strategy 2018-2021, which was released in May this year.

The Financial Security for Women Action Plan will be released in September 2018 and will have a number of priority areas including -

- improving outcomes for women in paid employment
- promoting women's contributions in traditional male-dominated occupations and encouraging more women into these fields
- building women's and girls' financial capabilities
- supporting women in business.

One of the key focus areas for the Government is working to increase the number of women and girls employed in non-traditional industries. The action plan includes a focus on increasing the number of women and girls in science, technology, engineering, mathematics and medicine - STEM.

The Government has committed \$75 000 towards a workforce development plan with a focus on encouraging more women to work in the information technology sector, which will not only

create higher value jobs and encourage women to stay in or relocate to Tasmania to start businesses, but will also further support the wider economy.

The Government is also supporting Tasmanian Women in Agriculture to connect, support and celebrate rural women by increasing our support to \$120 000 over the next four years. This reflects confidence in the demonstrated ability of TWIA to support and empower more rural women to take on leadership roles in Tasmanian primary industries by providing them with opportunities to network and support each other, and by empowering them to realise their full potential.

I have renewed my membership of TWIA for the next five years, and I am sure the member for McIntyre will be doing that soon if she has not already done so.

**Ms Rattray** - I have already done that, and I took up the five-year option as well.

**Mrs HISCUTT** - It is a great group of women for encouraging and supporting other agricultural women. I found them invaluable in my role as a farmer.

It is estimated that women produce at least 49 per cent of real farm income in Australia and it is exciting to see TWIA encouraging members to expand their skills and continue to develop leadership capacity. I used to have this debate with my husband all the time. I reckoned I did more than 49 per cent on our farm, but that is for another day.

The Hodgman Liberal Government is also committed to increasing gender balance in leadership and decision-making in government to further tackle the gender pay gap. We are therefore focused on breaking down barriers for women applying for leadership positions. That is why the Government has partnered with the Australian Institute of Company Directors to provide \$50 000 per annum over three years for scholarships for women to undertake courses under the Government Board Diversity Scholarships program. These scholarships give more Tasmanian women the opportunity to learn important leadership and decision-making skills from trained mentors and to equip them with knowledge that they will need to serve as company directors or on government boards and committees.

I note the TWIA had courses for company directors and board members in which I participated over the years. I found them invaluable.

Since launching the Tasmanian Government Women on Boards Strategy 2015-2020, we have seen female representation on government boards and committees increase from 33 per cent in 2015 to 41.2 per cent in June 2018.

The Tasmanian Government has also introduced the Tasmanian Women's Register, which is an online database for women who are interested in sitting on government boards and committees and helps to identify women suitable for appointments to boards. I encourage any members who are not aware of that register to make yourselves aware of it and encourage any women you feel would be suitable to register for that.

**Ms Forrest** - It is quite an expensive course to do.

**Mrs HISCUTT** - It is. Under the Cabinet gender equality guidelines, agencies are now required to contact the Tasmanian Women's Register to provide information on vacancy and skill set requirements and to seek suitable nominations.

As well as utilising the Tasmanian Women's Register for all appointments and reappointments to government boards, the Government also established a dedicated LinkedIn page that is connected to the DPAC corporate LinkedIn page to promote board vacancies and provide information about board memberships, training and research.

The Government has also developed the Valuing Gender Inclusion resource available to all departments. This resource is located on both the Communities, Sport and Recreation website and the government's women's website. For those wishing to look that up, it is at [women.dpac.tas.gov.au](http://women.dpac.tas.gov.au). I encourage all members to have a look.

The Valuing Gender Inclusion website links to practical tools and resources, providing a guide for Tasmanian government agencies, businesses and the community on how to achieve gender equity outcomes when developing, implementing and evaluating policies, programs and services.

The toolkit provides a step-by-step guide to help agencies become gender aware and to consider the implications for women, men and gender-diverse people throughout the policy, programs or service development and implementation process.

The State Service is also taking the lead on gender equality by working to increase the representation of women in its senior executive. In August 2016, heads of departments released the 'Gender Diversity in the Tasmanian State Service' paper, which sets out key actions to increase representation of women in the senior executive.

The heads of departments also established a goal to achieve gender equity in the senior executive, with a target of at least 40 per cent of senior executives to be women by 2020. This target has almost been achieved well ahead of that time frame, with women representing 39.19 per cent of the senior executive in March 2018. This is a 10 per cent increase of women in the senior executive in the Hodgman Liberal Government's first term.

The federal government also recently announced the search is on for 60 new ambassadors to inspire more young women and girls to study, work and promote gender equality in science, technology, engineering and mathematics - the STEM program. The Government wants these ambassadors to become prominent role models for the young Australian community as well as part of the Superstars of STEM program.

The federal government is also funding \$1.2 million in grants under the Women's Leadership and Development Program for organisations across Australia to provide practical support programs to boost women's workforce participation. The grants are for one-off or small-scale projects to achieve tangible outcomes for the community over the next three years. The initiatives benefit women from across a wide spectrum, from women seeking work, those trying to re-enter the workforce to women experiencing or recovering from domestic violence. Because of the current gap in wages, to further assist women to make ends meet, the Hodgman Government is giving a hand-up in times of need, keeping prices down and taking decisive action to address cost-of-living pressures. For example, the Government understands electricity, water and rates bills can have a big impact on household budgets.

We want women to be more able to look forward with confidence to a better quality of life, which is why we are delivering on our plan to reduce cost-of-living pressures. The 2018-19 Budget and forward Estimates include a range of new as well as ongoing initiatives totalling nearly \$300 million that will reduce pressure on women's household budgets, including such things as:

- capping electricity prices increases at CPI for three years, saving the average residential customer approximately \$179 a year
- working with TasWater and local government to freeze water and sewerage price rises in 2019-20 and cap future price rises to no more than 3.5 per cent
- introducing a 50 per cent stamp duty discount for seniors downsizing to a home that better suits their needs, a saving of up to \$7000
- a 50 per cent stamp duty holiday for first homebuyers for homes up to \$400 000 saving those starting out up to \$7000
- \$3 million for our innovative Ticket to Play voucher system to enable more children to participate in local sport.

Ongoing initiatives include \$181 million to provide electricity concessions for low income Tasmanians -

**Mr Gaffney** - Excuse me, Leader, I am wondering how this is connected to gender imbalance. You have lost me a little bit. I am trying to refocus.

**Ms Forrest** - It has nothing to do with the gender pay gap.

**Mrs HISCUTT** - It is certainly going to help women in households who have to find the extra funds to do this.

**Ms Forrest** - And men.

**Mrs HISCUTT** - There is \$111 million in rates, water and sewerage concessions for low income households -

**Mr PRESIDENT** - The issue is who is paying those rates.

**Mrs HISCUTT** - The money has to be found within the households.

**Mr Gaffney** - Fair enough.

**Mrs HISCUTT** - It will ease the household burden and women are a part of that.

**Ms Forrest** - It will not fix the gender pay gap.

**Mr Gaffney** - It could; we just do not know how yet.

**Mrs HISCUTT** - The Tasmanian Government is also delivering increased funding of \$1.8 million over three years to food security organisations across the state, including Foodbank, SecondBite, Produce to the People and Tasmania's three mobile food vans - Gran's Van, Loui's Van and Missionbeat.

Recognising many women over 55 years can experience housing stress, we are also investing an extra \$125 million into more homes for Tasmanians in need. The Government will continue

delivering the \$330 000 per annum family assistance program, which provides direct relief to Tasmanian families suffering financial hardship.

While there have been gains, there is still much work to be done to address the gender inequity that causes the gender pay gap. The Government will therefore continue to push for gender awareness as integral to the way in which we approach the design, implementation, evaluation of all policies, programs and services.

The Hodgman Liberal Government will at the same time continue to work to reduce economic disadvantage to enhance economic growth and to increase the wellbeing of Tasmanian women, girls and their families.

[12.42 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I note what the Government is dealing with and I am sure much is very supportive of women, but much of this was not focused on the gender pay gap.

However, in respect of the information the member for Murchison provided to us this morning, it is quite clear considerable work needs to be done. It may be that wage brackets for men and women in a certain position are indeed the same, but where women sit in the wage bracket is another thing. These are the points well made. It behoves all of us in our dealings with organisations to raise these questions and make it clear that a job of work needs to be done.

It would be foolish not to recognise the current situation, whether in the State Service or private industry. Statistics presented both by the member, in particular, and some of the Government's offerings make it clear there is work to be done. I encourage every member and any organisation dealing with employment to stop and think about who they are employing and make sure women are getting a fair go. It is that simple.

[12.44 p.m.]

**Ms FORREST** (Murchison) - Mr President, I thank the members who have spoken and the Leader for part of her contribution. It is a bit poor the Government would use this as an opportunity to start banging on about policy decisions that have are nothing to do with addressing the gender pay gap. Sure, they are about issues of cost pressures all Tasmanians - male and female - face, but it is a bit disappointing the Government has turned this into some 'Look at us, look at us' activity. In my mind, that diminishes the importance of this topic.

The gender pay gap, as we have discussed, is real. It has a significant and detrimental impact on women throughout their lives, from super payouts to leaving university with exactly the same qualifications and being paid less. That is now. That is what is happening right now in 17 out of 19 fields of study and nine out of 13 industries. It is completely unacceptable.

Some good work has been done in the Tasmanian public service. I am aware of that. The report I referred to did not specifically note projects. I did not mention the progress in Tasmania but there is. A comment was also made - I do not know whether this came from Tasmania - that there has been a big focus on White Ribbon and addressing family violence, which are really important matters to women. They are getting elevated attention within our public service - and I believe they are; I know that when Greg Johannes was head of DPAC, he had a big focus on these things and it was very good to see it happening - but we need equally serious focus on addressing the gender pay gap.

I encourage people - and men particularly - to become involved in the Male Champions of Change. We need men on our team here, backing us, raising these issues, challenging decisions at board level, at government appointment levels and things like that, and to ask those questions. I know the Leader talked about some of the issues being tagged within government to do that. That is all commendable. She could have left off that last part of the speech and I would have been particularly happy with her. Maybe she should read them before she presents them in future - a bit of gratuitous advice.

We cannot ignore or deny this reality. Major corporations have noted it and there is plenty of evidence. The Australian Institute of Company Directors publishes a lot of information around this - that the financial performance of companies with women on their boards, particularly when women chair some of those boards, is better than boards without women. That is not me making it up; there is research. It beggars belief that we still seem to be having this debate. Let us all speak up when we can. That is why I brought this motion forward - to speak up, to shine a light on it and to help some members who did not understand it. They do not understand, from their comments in this Chamber, that the pay gap is real. It is an ongoing challenge. It is across all areas of employment, including those dominated by women. We cannot ignore that. I hope that members who are not in this Chamber and who indicated a lack of awareness in a previous debate, read the *Hansard*.

**Motion agreed to.**

**MOTION**  
**Tasmanian Racing Industry - Locally Bred Racehorses - Importance**

[12.49 p.m.]

**Ms HOWLETT** (Prosser) - Mr President, I move -

That the Legislative Council -

- (1) Acknowledges the importance and potential of Tasmania's thoroughbred industry.
- (2) Recognises that locally bred horses are vitally important to the growth of Tasmania's racing and associated primary industries.
- (3) Notes that boosting the breeding industry will in turn increase the volume and investment in local racing and will ensure the Tasmanian breeding industry can continue as the major supplier of racing stock for Tasmania, encouraging more people to buy horses locally.
- (4) Further notes that, importantly, a healthy breeding industry has flow-on effects for generating employment opportunities in associated primary industries, particularly in rural and regional areas.

It is a pleasure to talk about the importance of locally bred horses to the Tasmanian racing industry. The Tasmanian racing industry is a strong contributor to our economy, annually generating in excess of \$103 million for the state. More than 5500 people are employed or

participate in our state's racing industry, and a high proportion of these people are from regional areas in Tasmania.

The Hodgman Liberal Government has worked in recent years to help the racing industry achieve sustainability, resulting in Tasracing recording consecutive profits for the first time. This has created an environment that promotes investment and growth in the racing industry. Stakes and prize money are now higher than they were in 2014 and the Magic Millions Tasmanian Yearling Sale has delivered record results. There is also an increased focus on animal welfare and racing integrity. It is a priority to capitalise on these achievements to ensure the racing industry can continue to grow sustainably and be competitive.

Locally bred horses are essential to the continued growth of the industry, and their breeding has a rich history in Tasmania. The Government is pleased to support breeding of racehorses in the state, with \$350 000 in funding allocated per year for the first five years to a total of \$1.75 million, commencing this financial year. The state Government's investment will increase the volume investment and returns to local racing.

Tasmanian racehorses are well known across the country for their quality and toughness; for example, Tasmania has produced notable thoroughbreds, including The Cleaner, Caulfield Cup hero Mongolian Khan, and multiple Group 1 winner, Palentino.

**Mr Gaffney** - Piping Lane and Beer Street.

**Ms HOWLETT** - Yes, those as well.

**Mr Gaffney** - They were both named in the Latrobe municipality. They have changed the streets to Beer Street and Piping Lane.

**Ms HOWLETT** - Fantastic, there is a lot of history there. Breeding horses is also extremely important to the Tasmanian industry. Local thoroughbred breeders and Tasracing have worked with the state Government to develop the new TasBred Incentive Scheme, prize money bonuses for thoroughbred race horses born and raised in Tasmania to stimulate investment in the state's breeding industry. The new scheme commenced this year on August 1. A series of up to 72 races across the state in the first year of the scheme will carry bonuses of \$20 000 if the winning horse is locally born and raised and has been registered for the new scheme. This means eligible horses will be running for \$20 000 bonus prize money on top of the prize money already on offer in a bonus race. In addition, in the first year, there will be one \$50 000, two-year-old race restricted to TasBred nominated horses. From year 2 onward, there will be two restricted \$50 000 races for two- and three-year-old horses.

This is an exciting opportunity for the racing industry in Tasmania. The Government is also supporting the harness Standardbred breeding industry in Tasmania. We acknowledge that national harness breeding figures are also facing their challenges. I am sure Mr Armstrong, if he were here, would certainly agree with that. That is why the Government has offered to contribute an additional \$50 000 each year over five years to boost the current harness breeding scheme administered by Tasracing.

This additional funding will give Tasracing greater flexibility to promote breeding in Tasmania and enhance multiple incentives. Boosting breeding stock will create a great flow-on effect, including an increase in the average race field size for Tasmanian racing, increased demand for the

Tasmanian product and wagering turnover, and provide more income for the racing industry. Having more people breeding horses will also create more job opportunities in breeding, training and associated primary industries, such as on farms, horse breakers, vets, farriers, transporters, strappers, agistment properties and feed merchants.

The Government believes a healthy breeding industry is essential for the Tasmanian racing industry. These incentives will help ensure the local breeding industry can continue to be the major supplier of racing stock in Tasmania, encouraging more people to buy locally rather than investing in interstate horses.

The Government is also committed to taking the racing industry forward and realising its full potential through other initiatives, such as stake increases, supporting community racing clubs, and investing in racing integrity and animal welfare. Our priority is to progress the policies we took to the election.

We know that prize money is the lifeblood of the racing industry. Now that the industry has been placed on a sustainable footing, our goal is that Tasmanian stakes will continue to increase by at least 16 per cent by 2022.

We recognise that community racing clubs, supported by hardworking and committed volunteers, are a very important way of Tasmanian life. That is why we have established a capital grants fund of \$250 000 per year to assist community racing clubs across the state to fund infrastructure and maintenance that is needed but is falling outside Tasracing's existing infrastructure plan.

Animal welfare and racing integrity will remain an important focus, with new steward cadetship positions to be established in the Office of Racing Integrity to attract and retain new people in steward positions and further strengthen integrity functions. I am informed the Office of Racing Integrity is currently working on a new statement of duties aiming at developing cadets in the essential areas of racing practice and rule interpretation, investigation and prosecution techniques, and animal welfare matters before they advertise any of these positions.

Funding has also been allocated to assist in greyhound rehoming efforts, which are increasing in demand. These initiatives, together with Tasracing's improved business performance and the hard work and dedication of racing participants, will build on the positive growth achieved in recent times and promote a vibrant industry that is sustainable into the long term.

[12.58 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I support the motion of the member for Prosser, and also to inquire why we have not expanded it to harness and greyhound racing because the three codes are integral to the survival and the success of the racing industry in Tasmania. I acknowledge the breeding program for thoroughbreds; it is the same for harness racing.

The racing industry is an expensive business to be in - for all codes. I think it has been about three years since we had the greyhound inquiry, a joint House select committee. Some of the issues raised through that inquiry process on the health and wellbeing of greyhounds after their racing careers and the establishment of a rehoming facility have been on my agenda - and I would like to think on the Government's agenda - since that inquiry. One of the main aspects I took away from that inquiry was that we needed to have a statewide facility. In my view the progress for that facility to be established is less than sufficient. Every time I ask a question there is a delay for one reason



or another. It is to do with Brighton Council or crown land or everyone else but Tasracing and the racing industry more broadly. If we are going to accept that the racing industry is such an integral part of our community, we need to get those aspects of the industry right. I am still not convinced we are there. I support the racing industry, but I would like to see some urgency with the rehoming facility for greyhounds past their racing careers.

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

## **QUESTIONS**

### **Housing Tasmania - Housing Waitlist - North-East Tasmania**

[2.30 p.m.]

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

Recently I assisted a property owner with an application for the Private Rental Incentives scheme to put forward a three-bedroom property in Scottsdale. Given the lack of affordable housing in the north-east and the level of inquiries to my office, I was surprised this application was rejected due to it not being a high-demand location.

- (1) What is the current number of applications for housing on the Housing Tasmania waitlist in the various priorities for the north?
- (2) What is the current number of applications on the priority list in the north-east, specifically the Scottsdale area?

### **ANSWER**

Mr President, I thank the member for McIntyre for her question. In examining this information it should be noted applicants are encouraged to preference list as many areas as they would consider, and these figures therefore cannot be taken as an exclusive indication of interest in a particular area. Furthermore it should be noted that housing register numbers cannot be taken as an indication of demand for the Private Rental Incentives scheme because the pilot program is opt-in.

- (1) As at 18 August 2018, 886 applications on the housing register included area preferences in the north of the state, and 51 of these applicants also applied for the Private Rental Incentives scheme.
- (2) Of these 886 applications, 58 had listed Scottsdale among their areas of preferences; 51 of these applications were for one- or two-bedroom properties; six were for three-bedroom properties, none of which had also applied for the Private Rental Incentives scheme.

## Arthurs Lake - Fish Stocks

[2.35 p.m.]

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

These questions relate to fishing at Arthurs Lake. While that is not in my area, these matters relate to people who live in my area. Will the Leader please advise -

- (1) What actual quantity of fish has been taken from Arthurs Lake spawning runs to stock other lakes and waters during the past five years?
- (2) What quantity of fish, if any, has been removed in other circumstances to populate other lakes in the past five years?
- (3) What is the department's position regarding the current trout population of Arthurs Lake? Have stocks decreased and, if so, what has been the cause?
- (4) During Estimates this year, the Inland Fisheries Service - IFS - agreed that sudden changes in water levels in Arthurs Lake pose challenges with feed. Accepting this position, why were fish still being taken from the lake to populate other areas?
- (5) There is a call from anglers who fish Arthurs Lake for no fish to be removed from the lake until it repopulates to its previous levels. What is the position of the department relative to this request not to remove further fish from the lake until it is repopulated, and what exact measures are being taken to rectify the situation?

### ANSWER

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

- (1) The IFS has traps on three of the streams - Tumbledown, Scotch Bobs and Hydro - flowing into Arthurs Lake. A number of other spawning creeks, including Jones Rivulet, are not trapped.

From 2015, only brown trout less than 400 millimetres in length have been used to stock other lakes. Larger fish are measured and weighed, then allowed to continue upstream to spawn. The total number of brown trout transferred from Arthurs Lake over the last five years is 30 602. For the same period it is estimated that anglers harvested 160 830 fish. The following breakdown is provided by year: 2014, 18 630; 2015, 5345; 2016, 485; 2017, 4426; and 2018, 1416.

- (2) No brown trout have been removed from Arthurs Lake in other circumstances to populate other lakes in the past five years.
- (3) There is no quantitative estimate of the brown trout population in Arthurs Lake. Information from angler surveys indicate that catch rates and total estimated harvests of brown trout has declined since the 2010-11 fishing season.

Given this situation, the population is thought to be lower but still substantial, with an abundance of good habitat available for natural recruitment. The cause of the situation at Arthurs Lake is most likely the result of reduced productivity due to a low lake level in 2009 at the end of the Millennium Drought and a rapid fill to historically high levels in the following years.

It is hypothesised that productivity of aquatic plants, including fringing macrophytes and lake-bed charophytes, was limited by a small increase in turbidity and reduced light penetration due to the increased depth of water. There was an observed increase in planktonic algae that likely further limited light availability, diverting productivity away from the benthic macroinvertebrates, which form a major component of the brown trout diet.

- (4) The IFS is monitoring the progress of the recovery of the Arthurs Lake brown trout population. Data collected from the spawning runs shows that fish are growing slowly and are only fair in condition. If the food supply and productivity was reasonable and the population low, as suspected, fish would be growing rapidly and in a very good condition, similar to the fish in Lake Crescent at the moment. The Inland Fisheries Service - IFS - is taking a cautious approach to transfers now that the average size of fish in the population is increasing, taking small numbers of fish under 400 millimetres to complement stocking from fish traps on other lakes yielding larger fish.
- (5) Given that the situation at Arthurs Lake seems to be driven and sustained by high water levels in the lake, little can be done to rectify the situation in the short term. Hydro Tasmania is pumping water out of Arthurs Lake into yingina/Great Lake. However, good inflows have kept the lake levels at historic highs. Due to the persistent high lake levels, the recovery in the Arthurs Lake brown trout population and fishery has been protracted. The IFS has not totally ceased transfers or moved to reduce the bag limit and harvest by anglers because the fish condition indicates the brown trout population is limited by the food supply currently available. The IFS recognises the importance of Arthurs Lake to the Tasmanian inland recreational fishery. It has the reputation of being one of the most popular fisheries in the state and has been a major drawcard for visiting anglers. This lake continues to be a focus for the service and its recovery is keenly anticipated.

### **Cupania Street, Launceston - Antisocial Behaviour**

[2.41 p.m.]

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

**Mr DEAN** - These questions I ask did not come easy. I represent the Northern Suburbs Community Centre committee, and this issue has arisen over the last number of years. Committee members are at their wits' end. Emotions in the northern suburbs of Launceston, including at an NSCC community meeting held on 9 August 2018, are running at a high regarding antisocial and criminal behaviour on Cupania Street, Rocherlea. Cupania Street has been referred to as a war zone, with burnt out houses and cars, remnants of rubber on the road, a churned up nature strip used as a mud run, and broken fences and other litter strewn about the area.

It is an absolute disgrace and a street more reminiscent of a Third World country. There have been several cases of arson in the street and innumerable burnt out cars littering the area over the

past five years. The latest house fire occurred on the weekend of 4 August 2018, and there have probably been some since. These activities cannot be permitted to continue. Will the Leader please advise -

- (1) The number of reported arson cases including house fires, in the street over the past five years?
- (2) The number of burnt out or stolen cars recovered in Cupania Street and its close vicinity in the past five years?
- (3) The number of antisocial activities reported over the past five years?
- (4) The number of other reported or identified activities over the last five years?
- (5) The number of cleared crime offences during this period?
- (6) The action police intend taking to clean up crime, offences and antisocial behaviour, dangerous driving and hooning occurring in Cupania Street, and the actions of any other departments involved over the past five years?

#### **ANSWER**

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

- (1) From 1 July 2013 to 30 June 2018, police recorded eight arson (house fire) incidents occurring in Cupania Street, Rocherlea.
- (2) In the same period, police recorded 45 offences of unlawfully setting fire to a motor vehicle at or in the close vicinity of Cupania Street, Rocherlea. Forty-one of the motor vehicles had been stolen prior to the fire damage occurring, though not necessarily stolen from the vicinity of Cupania Street.
- (3) In the same period, police have not recorded any charges of hooning-type offences under section 37J of the Police Offences Act 1935 in Cupania Street, Rocherlea.
- (4) Police are dispatched to an average of 60 complaints per year in Cupania Street.
- (5) From 1 July 2013 to 30 June 2018, police recorded 76 total offences occurring in Cupania Street, of which police cleared 23 offences for a 30 per cent clearance rate.
- (6) Tasmanian Police are adopting the following measures to counter the antisocial behaviour in Cupania Street: they are maintaining increased patrols in Rocherlea, and specifically Cupania Street - these patrols use both highly visible and covert methods in an attempt to detect and deter criminal, offensive and disorderly behaviour; there are regular interactions with motorists and pedestrians in the Cupania Street area to assist in identifying offenders and provide reassurance to the community; they are encouraging members of the community to provide witness statements to police to assist in identifying offenders; they are collaborating with stakeholders, such as the Northern Suburbs Community Centre, to provide community members with opportunities to raise issues with police, provide information and receive advice.

It should be noted that for the purpose of this response the vicinity of Cupania Street, Rocherlea has been defined as 'within Cupania Street, Burrawong Court, Tulipwood Crescent, Lemonwood Street, Hakea Grove, Orchid Court or Reservoir Road in Rocherlea'.

## MOTION

### Tasmanian Racing Industry - Locally Bred Racehorses - Importance

**Resumed from above.**

[2.45 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, before the adjournment I shared with members of the House my support for the member for Prosser's motion in regard to the thoroughbred racing industry code. I added my support for the other two codes, harness and greyhound racing. They are all part of a successful and sustainable racing industry for Tasmania. I cited concerns around the pace, or lack of, in bringing to fruition the greyhound rehoming centre.

**Mr PRESIDENT** - The saddle was starting to fall off then because we were into greyhounds rather than what is actually before us.

**Ms RATTRAY** - Right, I take your advice on board, Mr President.

I briefly looked back at a 2015 letter received during hearings of the Joint Select Committee on Greyhound Racing in Tasmania. This letter talks about ensuring sustainability, and thoroughbreds are a key part of the racing industry. Again, it is important to share with members that this Government has been a strong supporter of the racing industry, as was the previous government. We have a deed of significant funding for the industry. The industry does not always believe it is adequate to fund some of its operations. The industry has some concerns with key infrastructure and it will continue to have that until every facility is brought up to a sustainable and good quality standard.

I may get off track and you will put me back on my saddle, but I want to emphasise to the Government: there are three codes in this state and they are all important as a whole to the racing industry. If we do not see a greyhound rehoming facility around the Brighton area in the very near future, I will be one unhappy Legislative Councillor.

[2.49 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I thank the member for Prosser for bringing this motion on. An interesting discussion and debate were put forward.

The member spoke about the amount of jobs within the thoroughbred racing industry and she talked about strappers, jockeys, owners, breeders, those who work at the track and that sort of thing. It reminded me that this is a gambling activity, but according to the surveys, \$1 million worth of revenue directly going back in creates only three jobs within the poker machine industry. A million dollars' worth of revenue within the thoroughbred industry would create enormous opportunities for jobs. It is interesting once you hear about the expansive number of careers in the racing industry, the number of families who participate in the industry, and the bringing together and celebration of these racing industries, whether it be greyhound, harness or horse racing. It is a different set of values and opportunities for the state when you have a million dollars' worth of gaming revenue

going into a machine going straight into the pockets of Federal Hotels. That is my only comment, but I thank the member for bringing on the discussion.

[2.51 p.m.]

**Ms HOWLETT** (Prosser) - Mr President, I thank members for listening to my motion. I thank the members for McIntyre and Mersey for participating as well.

**Motion agreed to.**

## **MOTION**

### **Consideration and Noting - Law Society of Tasmania Annual Report 2016-17**

[2.51 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I move -

That the Law Society of Tasmania Annual Report 2016-17 be considered and noted.

Mr President, my presentation is not long but I think it is appropriate. Just last week members from the Law Society of Tasmania talked to us about a bill we will be discussing later. They highlighted the Law Society of Tasmania's position on the bill but then acknowledged that as legislators we have a different role and that they would try to strengthen any inaccuracy they found within any bill.

I thought it was good they were there. I do not think many of us fully understand what the Law Society of Tasmania's role is and I thought it would be good to spend 10 minutes discussing it.

I take a moment to recognise the work of the Law Society of Tasmania and particularly note its 2016-17 annual report, which was published late in October 2017. Although this report was available towards the end of last year, it has been difficult to find the time to speak to it in this Chamber. In November 2017, this House was very busy finalising legislation and then there was a hiatus caused by the 2018 election, followed by the return of the Government, then the budget and Estimates. However, as members well know, the Law Society plays a very important role within Tasmania and it is beneficial for us as legislators to understand and appreciate that role.

What role does the Law Society have in Tasmania? The society website states -

The Law Society of Tasmania has two major functions. The first is as a regulator of the legal profession of the State of Tasmania. The second is to provide services to its members to assist in maintaining high standards of practice in the Tasmanian legal profession.

The services offered to LST Members are designed to assist the provision of timely and effective delivery of legal services. Hence, the LST has focussed on areas such as education, indemnity insurance and risk management. The LST also provides a counselling service to members and a range of other personal and practice related benefits.

As a regulator, the society is responsible for granting and renewing practising certificates to each member of the private profession, and overseeing the operation of law firm trust accounts. Trust accounts contain clients' money; significantly, in the 2016 calendar year, law firm trust accounts in Tasmania were entrusted with over \$7.5 billion. An important distinction to note at this point is that the regulatory functions of the Law Society are separate to complaints investigative functions, which are dealt with by the Legal Profession Board Tasmania.

The work of the Law Society is particularly important in scrutinising and offering suggested amendments to any government's law and order reform agenda. The Law Society's website highlights the consultative nature of its work, with regular appearances on local news to discuss legislation and issues of concern, as well as submissions to various inquiries and review of legislation. This is all work in the public interest. Its advice and legal opinion is provided for free.

One change to the Law Society executive since the report was published was the expiry of Rohan Foon's term as president and the appointment of his successor, Will Justo, who presented to the Chamber last week and is a partner at Wallace, Wilkinson and Webster. The annual report provides a further snapshot of the work conducted by the Law Society, its committees and members. While some may view the contributions of the society as being overly critical of the Government's agenda, the former president addressed this in his opening statement -

Whilst the Society and the Government do not see eye-to-eye on a number of matters our dealings have been cordial and respectful. In our dealings with the Government I think it is of considerable benefit that we are a non-political organisation and that we continue to agitate for change or against change based on proper legal principle.

Frequently where there has been disagreement we have still been able to be of assistance to Government in recommending change in legislation. Quite a lot of work in relation to legislation is not about matters of policy but advising Government as to how amendment to legislation can be made to reduce unintended consequences or made clearer and easier to work in practice.

I believe that is what the president was indicating last week. Even though they disagreed, perhaps, with the premise of the legislation, they highlighted the inefficiencies or deficiencies in the legislation so that they could be addressed. Still relevant to the coming sitting period and the law and order agenda of the Government, Mr Foon also noted -

The Society has continued to make media comments, not only on rule of law issues and legislation, but to help educate the public about the law. We have continued to agitate for good policy by Government. We have advocated for evidence to base responses to law and order issues.

Over the course of the last year the issue of mandatory sentencing has arisen on numerous occasions. The Society has engaged with the media to explain why it is mandatory sentencing does not work and to explain that an opposition to mandatory sentencing is not the same as saying the defendants should not be punished appropriately for their crimes.

The Society will continue to agitate for an evidence based and principled approach to sentencing reform.

The Law Society of Tasmania's policy on media comments states -

The President may make media comment on behalf of the Society in furtherance of those objects and may authorise others to do so where necessary from time to time. The Council may authorise spokespeople to make media comment on behalf of the Society in respect of particular matters or areas of law.

In general, it is appropriate for those preparing submissions and making media comment in respect of the law, legislation, proposed law reform and government policy and practice to do so in reference to compliance with rule of law principles.

It is clear the society will act in accordance with rule of law principles regardless of the political colour of the proponent of any legislation. While this House is divided closely on the policy issue of mandatory sentencing, I urge that an evidence-based approach should underscore the debate on this issue. The key rule of law principle set out in the Law Society of Tasmania's policy is taken directly or adapted from the Law Council of Australia's policy statement on rule of law principles dated March 2011. The Law Society of Tasmania acknowledges the work of the Law Council of Australia.

While this is not an exhaustive list of rule of law principles - those specifically endorsed by the society - I will briefly mention each of the eight principles the Law Society works by. I do not want to read every detail of each of the eight rule of law principles endorsed by the Law Society of Tasmania into *Hansard*, so I have provided copies of those for members. The key rule of law principles are -

- (1) The law must be both readily known and available, and certain and clear. In particular, people must be able to know in advance whether their conduct might attract criminal sanction or a civil penalty.
- (2) The law should be applied to all people equally and should not discriminate between people on arbitrary or irrational grounds. In particular, no one should be regarded as above the law, and all people should be held to account for a breach of law, regardless of rank or station.
- (3) All people are entitled to the presumption of innocence and to a fair and public trial. In particular, no one should be subject to punitive action by the state unless he or she has first been found guilty of an offence by an independent impartial and competent tribunal. Inherent in this is a prohibition on indefinite detention without trial.
- (4) Everyone should have access to competent and independent legal advice. In particular, everyone should have access to a competent and independent lawyer of their choice, in order to establish and defend their rights.
- (5) The Judiciary should be independent of the Executive and the Legislature. The existence of an independent, impartial and competent judiciary is an essential component of the rule of law.
- (6) The Executive should be subject to the law and any action undertaken by the Executive should be authorised by law. Executive powers should be



carefully defined by law such that is in not left to the Executive to determine for itself what power it has and when and how they may be used.

- (7) No person should be subject to treatment or punishment which is inconsistent with respect for the inherent dignity of every human being.
- (8) States must comply with their intentional legal obligations whether created by treaty or arising under customary international law.

As noted by the Law Society's president, Mr Foon, in the preface to the annual report, the society would not achieve all it does without its committees. One such committee assists the society in providing continual professional development opportunities to all lawyers, so they may achieve the mandatory requirement of 10 professional development points each year. This involves the society providing over 80 hours of professional training to its members, resulting in a profession that is continuously learning and staying up to date with the latest legal developments.

Another committee, the Criminal Law Committee, noted that during the reportable period, law reform in the area of criminal law was a major focus of the current Government. Accordingly, the committee had to consider comment and or make representations concerning proposed legislative reforms and changes to many aspects of practice and procedure. I think it is interesting that we do not really know the work the Law Society does, when you hear they put into things such as the -

Evidence (Children and Special Witnesses) Act; Sentencing Act, including proposed abolishment of suspended sentences; Road Safety (Alcohol and Drugs) Act; Traffic Act, Evidence Act and major overhaul/replacement of the Justices Act to name but a few.

It has been an area that has seen almost unprecedented attention. Given the impact such changes can have on the rights and obligations of citizens who come into contact with or access the criminal justice system, who are often vulnerable, it is an area where vigilance and attention is required.

Meanwhile, the Employment and Equal Opportunities Committee considers important issues such as the monitoring of equitable briefing policy, which promotes and encourages the equitable briefing of female barristers as the number of women rises in this area of the profession. This committee is also engaged in a number of inclusion and diversity initiatives revolving around issues of racism and advocates training in relation to diversity issues.

The society's Pro Bono Committee continues to oversee a service which matches people with a legal problem and firms willing to provide legal assistance without payment. I am aware, Mr President, that you are firmly aware of the pro bono work undertaken by the profession.

This is snapshot of the work being achieved by various hardworking committees made up of volunteers from the profession throughout Tasmanian. I encourage members to read the Law Society's annual report, to appreciate its reasons and research submissions and to utilise its combined skills in policy and the law so we ensure the bills that pass this place are robust and appropriate for Tasmania.

In saying this, I look forward to further submissions from the Law Society of Tasmania and its annual report for 2017-18. I congratulate those with links to the legal profession who will carry the

profession forward into the future. It is with pleasure that I move the motion that the Law Society of Tasmania 2016-17 annual report be considered and noted.

[3.04 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank the member for Mersey for bringing this motion on. The Government notes the Law Society of Tasmania's 2016-17 annual report and its performance during the reporting period. I had the opportunity to glance through the annual report and note there are 10 specific committees, including three regional committees and four young lawyer committees. It is good to see the support for the younger members of the profession.

I also note the North-West Regional Committee member Anthony Mihal. I have dealt with Anthony over many years and find him very professional and good to get on with. He provides good advice. That is the calibre of the lawyers, which is very good.

The society is also represented on 11 other bodies. They definitely work hard for a group that does it pro bono. They are also represented on two associated bodies.

The Law Society of Tasmania is a key legal stakeholder with which the Government routinely engages on law reform. The Government acknowledges the valuable contribution of the LST in the law reform process. The Attorney-General enjoys regular meetings with the LST, through which there is a constructive relationship and dialogue on law reform and other matters concerning the legal profession in Tasmania.

The Government is also pleased to provide financial support to the LST from time to time through grants under the Solicitors' Guarantee Fund. The principal purpose of the Solicitors' Guarantee Fund is to compensate clients who suffer loss due to the misbehaviour of their lawyer. If the fund is in surplus, the minister for justice of the day may invite the LST and other legal assistance bodies to make application for grants from this fund.

Grants from the Solicitors' Guarantee Fund support successful organisations to continue to provide valuable assistance to members of the community. The LST was successful in this application for grants in the 2017 grant round in two areas - \$260 000 on behalf of the Library Management Committee, to contribute to the funding of the Integrated Law Library Services from 2017-18; and \$170 000 to continue the southern duty lawyer service at the Hobart Magistrates Court. For the Law Foundation of Tasmania, \$100 000 was put towards grants for law-related projects such as investigating or inquiring into proposals for improving the administration of law.

The Government looks forward to continuing its relationship with the Law Society of Tasmania. While we may not agree on all matters of policy, consultation and discussion is always constructive, as alluded to by the member for Mersey. One such example of this was the Law Society's position in respect of mandatory sentencing, which I note the society's former president, Mr Foon, referred to in the report. Of course, as a parliament we will have the opportunity to debate that legislation and it is critical we remember there are safeguards built in to ensure that exceptional circumstances can be allowed for in final sentencing decisions.

The report also comments that the Criminal Law Committee has had a significant amount of work to do, given the legislative agenda of the current Government. Mr Foon wishes to especially acknowledge the hard work of those committee members, who are all volunteers. They certainly work hard.

I also note that the Law Society and the Legal Aid Commission share a number of common interests and will continue to work together to ensure that legal services can be provided by the private profession to those in need. I find the Legal Aid Commission a very valuable entity to have and we are glad that the Law Society works with the commission.

I note the LST's adoption of the Australian Solicitors Conduct Rules - ASCR. These rules replace the Common Law and will clearly outline the duties and professional obligations for members of the legal profession. This is a pleasing development that cuts red tape and will ensure greater transparency and clarity for members of the profession and the community, bringing the legal profession in Tasmania into line with 90 per cent of the profession nationally.

The very close relationship with the Legal Aid Commission of Tasmania is pleasing to note. As highlighted, these organisations share a number of common interests and fundamentally ensure that Tasmanians in need can access legal services, ensuring that all Tasmanians have access to an efficient and effective criminal and civil justice system. It is a priority of this Government for that to occur.

The Government notes the dedicated work of the LST's various committees during the reporting period. I think I mentioned there were 10 specific committees, among others. There is great deal of work going on.

It is pleasing to note the significant work of the Employment and Equal Opportunities Committee in particular, with its commitment to equality and diversity. This commitment is, of course, shared by the Government and reflected in initiatives such as the Women on Boards Strategy, the Disability Justice Plan for Tasmania 2017-2020 and the Government's support of the important work of Equal Opportunity Tasmania.

Likewise, the work of the Elder and Succession Law Committee is noted. In particular, as the committee has highlighted, the Guardianship and Administration Act 1995 is currently the subject of a Tasmania Law Reform Institute review. The Government is looking forward to receiving this report, the first review of the act which has now been in operation in excess of 20 years. It will be an interesting review when it comes forward.

The review is timely, given the considerable changes in the community during that time, including shifting community expectations with the current emphasis on rights; demographic changes, including an ageing population; and changes in the interrelationship between guardianship law and other laws and obligations, such as privacy, mental health, powers of attorney and the like.

Finally, the Government applauds the work of the Pro Bono Committee and its important role in facilitating access to justice for Tasmanians, enabled by the support of the legal profession that has been appropriately recognised in this report. Mr President, the Government notes the report.

[3.12 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I appreciate the Government's and the Leader's words. It is important because sometimes in this place, whenever we hear the words 'Law Society', we may say, 'We do not agree with this legislation because ...'. However, there is much legislation that the Law Society does support, agree with and have input into, whether it is as a member of the Sentencing Advisory Council or as a contributor to some of the legislative work that goes on. It is important we remember the Law Society of Tasmania is there for the betterment of Tasmanians. Its members have a different perspective on what they believe the legal system is all about. It is that balancing act.

I, for one, am particularly pleased that the Law Society is there as a check and balance for what governments see as good legislation. Everyone goes into this with the best intent, but sometimes we have to have groups of professionals saying, 'That might be the legislation, but the unintended consequence of that phrase, or that legislation might be this'. They firmly believe in the value of protecting individual rights based on evidence. That is why I think it is important at this stage that we should recognise the work the Law Society does. Hopefully it will continue doing that work for many years. I thank the Government for the support.

**Motion agreed to.**

**WATER AND SEWERAGE CORPORATION AMENDMENT (CROWN INVOLVEMENT FACILITATION) BILL 2018 (No. 24)**

**Second Reading**

[3.14 p.m.]

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

That the bill be now read the second time.

This legislation helps facilitate a collaborative strategy developed by the Hodgman Liberal Government, TasWater and the local government representatives to find solutions to the long-standing challenges facing the water and sewerage industry.

Earlier this year, the Government commenced discussions with local government representatives and TasWater to develop a new approach to resolve these issues. These discussions culminated in a memorandum of understanding - MOU - signed by the Government, TasWater and the Chief Owners' Representative on 1 May 2018.

The purpose of the MOU is to improve water and sewerage outcomes for Tasmanians. The MOU contemplates that the Government will become a minority shareholder of TasWater by providing \$200 million in equity contributions over 10 years.

This will allow TasWater to accelerate its infrastructure investment, with a target of \$1.8 billion infrastructure investment to be delivered by 2026.

It will also help ensure that TasWater keeps water and sewerage prices more affordable. As part of the MOU commitments, TasWater has agreed to impose a price freeze for regulated water and sewerage services in the financial year 2019-20. From 2020-21, TasWater has agreed to maximum price increases of 3.5 per cent each year to 2025.

Importantly, the Government will receive no dividends from TasWater.

The purpose of this bill is to ensure that councils are able to consider, for approval, resolutions that include roles for the state Government.

The Share Subscription and Implementation Agreement and the amendments to TasWater's constitution and shareholders' Letter of Expectations require the approval of TasWater's council owners, through the passing of three resolutions about the MOU commitments at a special general meeting of shareholders scheduled for 27 September 2018.

The Water and Sewerage Corporation Act 2012 currently prevents the shareholders from passing resolutions that contemplate an entity other than councils owning shares in TasWater because this act only allows councils to be owners of the corporation.

This legislation includes a new section in the act to ensure the validity of resolutions passed by councils to change the ownership of TasWater, consistent with the MOU measures.

If the resolutions are passed by council shareholders at the special general meeting, a second bill can then be introduced later in the 2018 spring session of parliament to amend the Water and Sewerage Corporation Act to allow the Crown to become an owner of TasWater.

The approach, developed in close consultation with TasWater, is for councils to consider for approval the resolutions prepared by TasWater.

Subject to councils supporting the resolutions, legislation will be introduced later this year to allow the Government to become a minority owner of TasWater and implement the measures under the MOU. This bill allows councils to make lawful resolutions on these measures.

Mr President, I commend the bill to the Council.

Mr President, I move -

That the debate stand adjourned.

**Debate adjourned.**

## **SUSPENSION OF SITTING**

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

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

This is for a briefing on the Water and Sewerage Corporation Amendment (Crown Involvement Facilitation) Bill.

**Sitting suspended from 3.18 p.m. to 4.29 p.m.**

## **WATER AND SEWERAGE CORPORATION AMENDMENT (CROWN INVOLVEMENT FACILITATION) BILL 2018 (No. 24)**

### **Second Reading**

**Resumed from above.**

[4.30 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, the background to this matter is something that has been on the agenda some time. During my time as lord mayor, the issue of the ownership of

TasWater has been up there. I remember taking five mayors to see the treasurer of the day, Mr Michael Aird, to talk about the issue of forming a single statewide entity.

It was not about the government taking it over. It was about putting it into one organisation. We all know the history but one aspect focused on during that time was how the government should be putting money into seeing the sewerage and water facilities upgraded. It was something the government was not prepared to do. We have before us enabling legislation that enables the sewerage and water board, TasWater, to make a decision to bring the government in as a shareholder. In doing that, this Government is committing to putting in a certain amount of money. It will be interesting to know where we would be today if that money had been provided at an earlier time and whether we would have gone through the pain we did with an inquiry as a result of a previous bill being adjourned in this House and sent to committee.

It was a long process and there is a mood in local government that says this is the way to go but we do not know for sure. We will only know when it is fully debated by the councils, which are the owners of TasWater. It seems the board believes there is some benefit and we will not know until the time councils pull together to consider it. I spoke with the CEO of the Local Government Association of Tasmania, Dr Katrena Stephenson, to find out if there were any issues she felt there might be with this bill and I was told, no, it seemed okay from their perspective.

We will find out what their real feelings are when the councils meet to debate it. I am happy to support this bill and allow TasWater to debate the possibility of government being a shareholder and to make a decision that leads to the next step. That has to happen and that is what this does. The next bill will be the bill with far greater elements that need to be debated to make sure the i's are dotted and t's crossed. I support the bill.

[4.34 p.m.]

**Ms FORREST** (Murchison) - Mr President, I will be similarly brief. It is good to see the Government getting on with the job, and I will be supporting the bill. It is such a relief to see the Government adopt and facilitate through this bill a sensible approach to invest in TasWater rather than attempt a hostile takeover as had been proposed. This Chamber thought it was pretty dumb idea when we considered the water and sewerage bill in November last year. The proposed takeover had been poorly thought through, badly explained, appallingly handled and would have created needless trauma for all.

The Treasurer has seen sense. I tried to point out the best solution to the Government in a private meeting with the Treasurer mid-2017, and publicly in July 2017, when the *Mercury* published one of my opinion pieces. I will quote a very small section from that article, 'Why doesn't the Government invest in the company rather than try a hostile takeover?'

So, here we are - common sense has prevailed. This is good news. That is a relief in these troubled times when common sense seems to be in short supply. The bill before us is straightforward. It makes sense that when TasWater's owners, the 29 councils, vote - or hopefully vote - to make the necessary changes to its constitution to allow the admission of the government as a shareholder, there will be no legislative impediment for them to do so. That is what this is about. It is not about putting that in process; it is just making sure there is no legislative impediment to them doing that.

The MOU, which I am sure honourable members have probably seen and which was attached to a media release from TasWater a little while ago, sets out the points agreed by TasWater and the Government.

I appreciate the briefing because it actually answered a few of my questions. I will ask those again so the Leader can respond to them.

The MOU is a little vague in parts and I am still hoping that will become a little clearer when we see the legislation to amend the Water and Sewerage Corporation Act a little later in the year or maybe next year. It seems, from the briefing, that it will probably be contained within the members' statements of expectations, but I would like the Leader to provide a bit more clarity around that when she replies to the debate.

For instance, it is clear that councils will retain majority ownership, but I want to clarify that also means majority control and that the government will not be able to lord it over them, so to speak. You have the three parties: the board, the owners - local government - and the state, or the Crown, with not a major controlling interest but a significant interest.

The MOU also refers to the corporate plan being jointly agreed with an arrangement that will be, as I understand it, in the members' statement of expectations to resolve deadlocks. It will be interesting to see that document when it is prepared. I imagine it will be a matter of seeking that from TasWater. I am just clarifying whether that means equal control in that process.

I will be keen to see how the MOU is actually dealt with in the legislation we will possibly get later and where those links are. I am sure the councils will be ensuring that the Government does not hijack their company, the matters we discussed in the briefing. My other point is that potentially the next bill, assuming we get it, is about the capacity for the parliament to still undertake scrutiny of the company, particularly as we are putting a lot of taxpayers' money into it directly from the government purse.

I am fairly confident; I am being very optimistic about this. Between them, the interested parties may actually develop a model of behaviour that can be used as a template and apply it to other government businesses.

We need to improve, enhance and clarify the role we play as the shareholders of government businesses. In my view, as the ultimate shareholders of government businesses, we have been treated as mushroom growers treat their crops. I am sure councils as shareholders of TasWater would not put up with the same treatment, and nor should they, in terms of timely access to financial reports and the like.

That is why I am optimistic and perhaps hopeful that with the MOU provisions being incorporated into the legislation we get to see or the members' statement of expectations, we will hopefully see earlier reporting requirements, more details about corporate plans and the like. I guess time will tell.

We recently heard about TasPorts' 10-year expansion plans. While this is pleasing, it is particularly pleasing because we noted the Government's varying of TT-Line future outlays in the back of budget papers in this last Budget were difficult to find. We need to see figures more regularly. It needs to be mandatory that we see more financial reporting generally.

However, it is not the time or place to go on any further about that in detail. That is a matter for another day.

**Ms Rattray** - You will be put off your saddle.

**Ms FORREST** - That is right. We need to start talking about how a sensible reform such as this may lead the way to more sensible reform, greater accountability and transparency. Whenever we hear about local government reform, all we hear about is mergers. I am at the point of being a bit sick of hearing about council mergers. If you can reorganise water and sewerage, which has been, as the member for Hobart mentioned, a bit of a painful 10-year journey, this bill assists in part of the journey. To kickstart a new phase of the journey, we need to sit back and reflect on the lessons learnt from the experience.

Maybe we can work out how to reorganise other council services in a more effective manner. Forget about mergers because they are not going to happen and we are wasting our time on the current debate about mergers. The Government deluded itself for a while that it could pull off a hostile takeover of TasWater, but we need to move on. Mergers are not going to happen. This is clearly another debate for another day. Perhaps the decision here and the unfolding process will result in a collaborative model and will hopefully shine a light on alternative ways of thinking and acting to achieve sensible outcomes.

I support the bill, and hope it marks the beginning of more willingness to cooperate to solve our problems.

[4.41 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I support the bill before the House. I do not support everything the member for Murchison says, but certainly the points about this being a sensible approach were my thoughts when I read this. I mentioned in the briefing that the majority of members who spoke last year to the water and sewerage reform said, 'Why not have that cooperative approach? Why not be part of TasWater and provide the funding they need rather than look at the takeover being proposed by the Government?' It is, again, a sensible approach. It is an enabling approach for the 29 councils to make the changes to facilitate the government to be a minority shareholder in TasWater.

We will have further opportunities to talk about some of the roles the government will have, once it becomes a shareholder. In regard to the maximum price increase, we have interfered with prices before and it does not always end well. Sometimes once you start interfering with the process having to pay catch-up is not always the right approach.

We hear time and time again how difficult it is for members in our communities to meet their obligations. But if prices are capped, once they become uncapped the increase can be quite significant. Sometimes you are better off to have those smaller increases than a much larger one after a number of years.

We will have more discussion about this, because it is obviously part of the memorandum of understanding and, as we were told in the second reading speech, TasWater has agreed to impose a price freeze for regulated water and sewerage services for the financial year 2019-20. From 2020-21, TasWater has agreed to a maximum price increase of 3.5 per cent each year to 2025.



It seems some time out, but 2025 will come around before we know it. Time moves very quickly. It will be interesting at the special general meeting on 27 September, where the shareholders - the 29 councils, TasWater and the Government - agree to what is being requested if all goes to plan. I presume they will all be in support.

I wonder if there is a plan B but if there is not, I expect it will be up to TasWater and the owner councils to come up with an alternative if they do not like something that has been put forward by the Government. I congratulate the Government on taking the proactive and cooperative approach suggested by many members when they spoke during the water and sewerage debate last year. I support the motion.

[4.45 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, ownership of TasWater has been an issue for many years. I recall being an alderman - the member for Windermere was there at the same time - when this matter was first raised and the government wanted to take over water and sewerage. It was felt the best course of action was for councils to have ownership. In hindsight, that was not necessarily the best course of action, with the cost of water and sewerage escalating, on some occasions a similar amount to rates. Some of our constituents struggle to pay these. The Government has made a commitment with regard to pricing to keep prices down, and I note the comments made by the member for McIntyre.

**Ms Rattray** - I hope it does not happen.

**Ms ARMITAGE** - Yes, I hope it does not happen. We cannot continue to put prices up. People are struggling now; they cannot afford catch up and they cannot afford for it to be beyond reach. Water and sewerage are essential services. I am also pleased to see the cash injection the Government will be putting in, which will hopefully allow many projects to be undertaken, particularly with the issues we have in my electorate of Launceston.

This bill looks to provide a good outcome, provided the owner councils agree to the resolution at their meeting on the 27 September. This bill will enable the councils to make that resolution. Without this bill, it will not be possible for TasWater owners to make a valid resolution on these matters. It is inconsistent with the Water and Sewerage Corporation Act, within which ownership is restricted to councils. This is a procedural clause for councils to validly consider the Government to be a minority owner of TasWater.

With regard to the timing, the resolutions need to be made after the enactment of this bill and before the introduction of a second bill, the Water and Sewerage Legislation (Corporate Governance and Pricing) Amendment Bill 2018. We were told in briefings and it is noted in the bill this act has a limited shelf life and will be repealed one year after its commencement.

We were also advised the Government will not have a seat at the board but it will have one person on the selection panel for the board. As for the ability of the parliament to have oversight at GBEs, we were told that it is hardwired into the letter of expectation that they must appear if requested, and that is really important. As we are putting in so much public money, it is important there is some oversight by parliament.

**Ms Rattray** - That has been an issue in previous times - for example, 'What are we doing here?' That will make it very clear that we are here.

**Mr Finch** - You might remember during the debate we had before that all those things were revealed. The chair of the board, Miles Hampton, sat here listening and many revelations came out of the opportunity we had as members to express what was going on in our communities with regard to TasWater.

**Ms ARMITAGE** - As to the extent of minority ownership, the Government has committed to providing \$20 million every year for 10 years to fund accelerated infrastructure, building up equity ownership to 10 per cent. We were advised that it will not take any returns from TasWater. I am sure that will be something that will resonate with the owner councils because they will be capping ownership at 10 per cent.

After 10 years the value should be around \$2 billion, which would bring the government's proportion of ownership to around 10 per cent. I support the bill. I see it as a collaborative way to move forward and implementing it as a contract between the Government and TasWater is a good move.

Mr President, I move -

That the debate stand adjourned.

**Debate adjourned.**

**NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE  
(COMMONWEALTH POWERS) BILL 2018 (No. 28)**

**LAND TITLES AMENDMENT BILL 2018 (No. 22)**

**First Reading**

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

**ADJOURNMENT**

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

That at its rising the Council adjourn until 11 a.m. on Wednesday 29 August 2018.

**Motion agreed to.**

**The Council adjourned at 4.53 p.m.**