PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 16 November 2021

REVISED EDITION

Contents

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The President, **Mr Farrell**, took the Chair at 11 a.m. acknowledged the Traditional People and read Prayers.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before we move onto our special interest topics today, I welcome visitors to the President's Reserve, Cameron Barry, who is part of the contribution from the member for Pembroke, and Pru Bonham and the Reverend Victor Shaw, who are guests of the member for Hobart. I know all members will be particularly careful to ensure they behave accordingly, as Ms Bonham is the mother of Kevin, who keeps a close eye on what we do in this place and we do not want any reports.

Ms Rattray - We do not want any bad press.

Mr PRESIDENT - No bad press. So, vote true to your heart today.

Anyway, I am sure all members really welcome you all to the Chamber today and look forward to hearing the contribution from the members.

SPECIAL INTEREST MATTERS

Volunteers

[11.05 a.m.]

Ms SIEJKA (Pembroke) - Mr President, I rise today to talk about the importance of volunteering and of the incredible contribution of our volunteers in the Tasmanian community.

Volunteering Tasmania is the peak body for volunteering. Their vision is to ensure the contribution of volunteering is understood, respected and valued as a powerful driver of community prosperity and inclusion in Tasmania.

In their report, State of Volunteering, Volunteering Tasmania write:

> Tasmanian's generosity to one another shines. … There are 68.6% (or 297,000) Tasmanians over 15 years of age who volunteer in Tasmania.
>
> This includes people who volunteer formally with organisations and those that that do not have an affiliation with an organisation but contribute informally to their communities. Volunteers contribute an average of 229 hours a year or 4.4 hours every week to their fellow Tasmanians.
>
> The value of volunteering to Tasmania in the past 12 months …

This was in 2019 -

> … was $4 billion, this includes $3 billion it would cost to replace the labour volunteers contribute to our state as well as $1 billion in commercial and civic benefits contributed through volunteering.

For every dollar invested by the community, approximately $3.50 is returned as benefits to Tasmania. I would like to pay particular tribute to one volunteer who is known to many of us in this room.

Mr Cameron Barry is a loyal, committed and dedicated volunteer who regularly attends my office and that of a number of other Labor offices. Cameron is reliable. He is like clockwork. We know when he will visit us and it will be at the same time each day, or each week. If he is not, then we are a little bit worried. He reports on Griffin's activities to me, and lets me know key things I might miss. Now this could be Emma's Wiggles resignation, the latest opportunity for free books through one of the supermarkets, the workings of the Middle East in case I have missed something on Iran, which I likely have. Or even, what is happening in parliament this week.

As we were walking up today, I said, we may see Rebecca, we may see Dean and others. He said, 'Oh, well that's because they are not sitting today'. I had forgotten that myself. Cameron is truly up on things. He has helped out on both my campaigns and in the general work of my office. He has done research, organising, stocktake, paper shredding, and much, much more to help us out. He has spent many hours volunteer letterboxing, mainly around the same areas of Warrane, supporting my doorknocking team and in providing general moral support.

I know that Cam has also volunteered for the member for Elwick, including at the show for many years including this year. The member for Elwick recalls a time Cameron went doorknocking with him. On this occasion, the person that answered the door did not have a clue who Josh was. Could not have known. Had no idea who Josh was. None at all. But do you know what, they knew who Cameron was. Before that, Cameron had significant involvement in former member for Clark, Scott Bacon's office for many years and it is through their firm friendship we all met Cam. Now he spreads himself around many of our offices, sometimes just to check on us, I think. It is not unusual for me to receive a message from Cameron letting me know he has seen Griffin, or he has not seen Griffin. He also has a good sense of humour. Just yesterday he sent me a message saying he hopes that Griffin behaves himself today. When I am in here I do not need to worry because Cameron is on the case.

Cameron calls himself the Labor mascot. He can often be seen on foot around the Rosny area, usually adorned with Labor stickers and clothing and of course, the West Coast hat. His joy in seeing our election wins and our work is a true sight to behold. Like the member for Derwent, Cameron is a big fan of the Labor bus.

Cameron also has a number of other interests that he makes sure we are all kept up to date with. He has particular interests in Wattle Day, a cause he spent considerable time volunteering for in the past. For those of you who do not know, Wattle Day is about having a different Australia Day, ultimately. This has involved creating his own newspaper, a newsletter to increase awareness about the day and activities. He is also a passionate supporter of the Bee Collective. I am certain that these groups value Cameron's contribution and friendship as much as we do.

In closing, I highlight another statement from Volunteering Tasmania in their report. They say:

> There has been an 11.2% drop in volunteering participation over the past five years from 2014 to 2019.

They attribute this to the cost of volunteers which can be up to $1000 a year to volunteer and an average who are only reimbursed about 7 per cent of their cost to volunteer. This means it costs the average volunteer over $4 an hour for themselves personally out of their pocket. Care needs to be taken about the financial burden being placed on our volunteers and the potential this has to exclude many who cannot afford the act of volunteering.

Clearly, we as a community rely upon and need the valuable work of our volunteers. Ensuring that they are not left out of pocket or at a disadvantage should be paramount. I would also encourage anyone interested in a new volunteering opportunity or someone who is looking for a volunteer in their work to make use of Volunteering Tasmania's Volunteer Connect. It is a fantastic online platform to match volunteers with available opportunities and I am sure there is something in there for everyone.

Personally, I find that having volunteers around reminds me of why I do what I do. I cannot thank our volunteers enough for the 68.2 million volunteering hours they make to our community each and every year. Thank you.

Members - Hear, hear.

Impact of COVID-19 - Mission to Seafarers Australia

[11.12 a.m.]

Mr VALENTINE (Hobart) - Mr President, today my matter of special interest concerns seafarers worldwide and in particular the activities the Mission to Seafarers is currently undertaking to support those who happen upon our shores during this time of COVID-19.

I am very grateful to the Reverend Jamie Bester, the acting chaplain of the Mission to Seafarers and Pru Bonham, who is with us today, the current chair of the mission for providing me with most of the information I am about to share.

I add my welcome to both Pru, a former colleague and deputy lord mayor of our fair city as well as a seagoing scientist, and the Reverend Victor Shaw, rector of that wonderful mariners' church in Battery Point, otherwise known as St George's. So welcome to you both.

To the matter of special interest at hand. Life is difficult enough for the 1.5 million seafarers upon whom we all rely. The effects of COVID-19 have made this much worse. Because of COVID-19 border closures, no seafarers have been allowed to leave their ships to come ashore in Hobart since March 2020.

On a global basis, some crew have been stuck on their ship for months beyond the expiry of their contract, with some being on board for 15 months or more, compared to the 11 months maximum under the International Maritime Organization's 2006 Maritime Labour Convention.

As an aside, Reverend Bester has indicated that most seafarers they interact with come from the Philippines in fact, which I was not aware of.

Others are unable to join a ship because of delays in crew changes and as they only earn money at sea, they really are struggling to feed their families. Just let us stop and think of the stress of that and the few avenues of support that they may or may not be receiving from other sources.

As this particularly unforgiving pandemic continues, it is taking its toll, not only on their personal economic circumstances but naturally enough their mental health, wellbeing and effectively the safety of crews.

While the length of contracts varies, seafarers typically work between four and six months on ships before a period of leave. At sea, they work seven days a week for up to 12 hours a day on tasks that demand they stay alert.

Reverend Bester relates that according to the International Maritime Organization, thousands of seafarers stranded on board ships have already expressed their exhaustion, fatigue, anxiety and mental stress. A physically and mentally fatigued seafarer has a much higher risk of being involved in a marine-related casualty.

I do not need to tell you, Mr President, that our complex global supply system would grind to halt without seafarers. Merchant ships transport around 90 per cent of global trade by volume, from food and medical goods to energy and raw materials, all items that we use variously on a daily or weekly basis. What would we do without them, especially the medical products, at this time during COVID-19? It does not bear thinking about really.

What is happening on the local front here? The work of volunteers in the mission has meant that rather than shut up shop, so to speak, they have needed to find other ways in which to show support. Local volunteers and the committee have continued to focus on doing what they can and looking ahead to the hopeful return of seafarers to our ports and into the mission centre, just around the corner here.

Since COVID-19 struck, Mission to Seafarers in Hobart have been taking two care packages to the crews of most ships, averaging two or three ships per week. In fact, there were six ships last week, apparently. Over the year that is at least 200 care packages, a significant effort in challenging times. Care packages typically contain toiletries, snacks, games and puzzles, DVDs and sometimes pocket bibles, if available.

For many seafarers the highlights of the packages are the beautiful beanies from craftspeople all over Tasmania, which goes to show that there are those out there who really do care. The packages have been swelled by in-kind corporate donations, from organisations such as TasPorts and Impact Fertilisers, obviously both heavily involved with, or dependent upon, ships in their line of work.

These resources have been bolstered by residents all over Australia providing items through the mission's partnership with the donation platform, GIVIT. Care packages are taken to the bottom of the gangway, within the COVID-19 guidelines of course, with the permission of Australian Border Force and the cooperation of shipping operators. The mission ship visitors

have been working hard at keeping this system operating as best they can, supported by other volunteers.

Noting this, purely as an activity update of course, with absolutely no hint of fundraising, Mission to Seafarers is currently seeking financial donations to provide a special small gift for seafarers who ship stock in Hobart over the Christmas period. Each seafarer will receive a present of Bruny Island chocolate fudge - the member for Huon's electorate - inside a coffee mug with Tasmanian scenes or pictures of wildlife on them. The cost of each small present is about $12, to a total cost of $2400 if 10 ships dock over Christmas - 20 seafarers each. I say that is purely for information to members, should you wish to note that.

Reverend Bester says:

> The Mission cares for all seafarers, regardless of their race, rank or religion. Chaplains at the Mission may often see a seafarer for only a brief moment, if at all in the present circumstances, and yet it may well be a significant moment for someone who is largely isolated in these times and who may be suffering some mental anguish as a result of that isolation.

As Rev Bester indicates:

> Showing care for individuals in such moments, or giving them some comfort through a care package, or bible, may be just the right thing, at the right time, for someone who may feel there is otherwise no hope.

These little things can and do matter, as feedback indicates. Perhaps to put a twist on a rather well known phrase and not to steal their branding, we might say, thank God for the Mission to Seafarers.

I simply conclude by thanking those visiting seafarers for supporting our community and also the board and volunteers at the Mission to Seafarers for what they are doing to help make someone else's life just that little bit happier over the coming festive season, especially while they are away from family and friends. I am sure we all wish the mission well in their combined efforts.

Members - Hear, hear.

Kingston Beach Surf Life Saving Club - 40 Years of Women in Surf Lifesaving

[11.19 a.m.]

Ms WEBB (Nelson) - Mr President, I rise today to speak about a vibrant gem of an organisation in my electorate, the Kingston Beach Surf Life Saving Club and to congratulate them on some achievements and initiatives that they are undertaking. In December 2020, the Kingston Beach Surf Life Saving Club marked 40 years of women in surf lifesaving. Forty women patrolled the beach that day marking the anniversary of women being able to obtain their bronze medallion to become lifesavers. I was delighted to help support the celebrations with a huge afternoon tea to thank its members and their shared pride in the leadership, education and achievements of their club.

It is quite astounding to think that as recently as 1980, women were perceived as not being strong enough to patrol Australian beaches. How far we have come. Today the Kingston Beach Surf Life Saving Club has many female volunteers, its committee is chaired by a female president and it has 60 per cent female representation. The club is justifiably proud of those statistics.

The club has many reasons to be proud. The Kingston Beach Surf Life Saving Club is one of 13 surf lifesaving clubs in Tasmania. It is one of the biggest in the state, with 420 members ranging in age from 5 years to 74 years. In 2021, they saw the biggest increase in membership since the club was officially formed in 2009. In fact, prior to 2009, Kingston Beach patrols were operated by the Clifton Beach Surf Life Saving Club. This long association with the Clifton Beach club evolved into a very deliberate policy of one club, two beaches, and has become the cornerstone of the southern Tasmanian surf lifesaving community's success. I would like to give special mention to Paul Munday, who was a founding member of the Kingston Beach Surf Life Saving Club and is still active in the club today.

During 2021, the Kingston Beach Surf Life Saving Club recorded more than 2300 patrol hours, with nine members doing 50-plus hours each. However, patrolling the beach is just one of the services that the club provides. It also conducts water safety programs, several surf sports events and carnivals, and it has a huge Nippers program, with 160 registered members. This very valuable program is for those aged 6-13 years, to introduce them to surf lifesaving and build their confidence and safety in and around the water.

One area of lifesaving that the club provides that is perhaps not so well known in the community is its emergency response teams. These teams comprise members who make themselves available to assist Tasmania Police in response to incidents occurring in the water. This year, four members completed flood technician training and six completed swiftwater technician training. Already, these volunteers have performed a number of callouts and have been commended by Tasmania Police for their speedy response times.

As you can tell, Kingston Beach Surf Life Saving Club has a big community focus and is very involved. Community-use beach wheelchairs will also be added to the club's services this summer, which will be the perfect complement to the new Kingborough Council accessibility ramp onto the beach, which was just launched last weekend.

In 2018, the club also managed to secure Kingston Beach's first 24/7 defibrillator, now at home on the Kingston foreshore. It has recently applied for a second defibrillator to put into the public community, to build community confidence when it comes to first aid.

Kingston Beach Surf Life Saving Club also has a slew of awards to its name. This year one of its coaches, Maddy McBride, won coach of the year at the Surf Life Saving Tasmania Awards for Excellence. In 2019, the club was awarded the Premier Club of the Year, an award it also won in 2017. In 2019, it won Education Program of the Year, with its Lifesavers Without Limits program. That program is a very special one. It was designed to provide surf lifesaving education to young adults aged 16-25 years from culturally and linguistically diverse backgrounds. Working closely with the Migrant Resource Centre, the club was able to support two boys to achieve their CPR award and be community volunteers as part of the club's patrol team.

For any of those looking for a challenge, the Kingston Beach Surf Life Saving Club hosts an annual beach to beach swim - a 2.5 kisublometre ocean swim from Blackmans Bay Beach

to Kingston Beach. This event won the community program of the year in 2017. In January, you too can sign up to swim for the 2022 event, which is scheduled for Sunday 27 March.

To president Danielle Campbell, to the committee and to every member of the Kingston Beach Surf Life Saving Club, I extend my hearty thanks and congratulations for everything you do to make Kingston Beach a safe and fun place to swim. While I hope I am never in need of its services, I am very glad that the Kingston Beach Surf Life Saving Club and its members are there in our community and are thriving.

Encore Theatre Company Production - *Mamma Mia*

[11.25 a.m.]

Ms ARMITAGE (Launceston) - Mr President -

> Mamma mia, here I go again,
> My my, how can I resist you?
> Mamma mia, does it show again
> My my just how much I've missed you?

Mr President, we have missed live productions and Encore Theatre Company's productions in our Princess Theatre.

Today, I speak about one of the best and most professional productions I have ever seen. I am, of course, talking about the recent run of *Mamma Mia* in Launceston, produced by the Encore Theatre Company with a two-week run at the Princess Theatre, directed by Launceston's own deputy mayor, Danny Gibson, who also worked as stage manager - executive producers Jamie Hillard and Belinda King; musical directors Denise Sam and Michael Stocks; and choreography by Michelle Withington.

Mamma Mia was truly a tour de force in highlighting just what talented people we have in our northern arts sector. Of course, I cannot simply acknowledge the behind-the-scene works without highlighting the sublime talents of the show's stars: Denise Sam, Lisa Thomas, Brooke Targett, Sinead Tracey, Dean Cocker, Matt Gower, Ross Marsden and Mason Waller, along with the company cast, whose voices were as big as ABBA themselves.

It took us a long time to get to the point where we could actually go and see *Mamma Mia*, which had been in production since COVID-19 put the Encore Theatre Company into hiatus. The past 18 months presented them with the enormous challenge of trying to survive the pandemic and remain viable to successfully restart the company. Consequently, those who worked to make *Mamma Mia* actually twice poured countless hours of experience and expertise into a project that became very much anticipated with restrictions being lifted in the wake of the pandemic. Not only were the cast and crew increasingly excited to actually put on the show, audiences were increasingly excited to see it. As a result, the opening of this production was really quite an emotional affair, with the long anticipated show finally raising curtains on the evening of 22 October.

By way of a brief synopsis for anyone who was not able to see it, on a small Greek island Sophie dreams of a perfect wedding - one that includes her father giving her away. The problem is that Sophie does not know who her father might be. Her mother, Donna, the former

lead singer of the 1970s pop group, Donna and the Dynamos, refuses to talk about the past, so Sophie decides to take matters into her own hands.

Sneaking a peak at her mother's old diaries, she discovers three possible fathers - Sam, Bill and Harry. She secretly invites all three to the wedding, convinced that she will know her father when she sees him, but when all three turn up, it may not be as clear as she thought.

Told through the legendary music of ABBA, *Mamma Mia* has become a worldwide sensation that has audiences everywhere dancing and singing along. Launceston was no exception to this.

While the show containing the entire ABBA discography has not quite yet become a reality, *Mamma Mia* features some of my fabulous absolute favourites and some of their biggest hits, including 'I have a Dream', 'Money, Money, Money', 'Dancing Queen', 'Super Trouper', 'SOS', 'Knowing Me, Knowing You', 'Take a Chance on Me', 'Waterloo' and, of course, 'Mamma Mia'.

Mr President, I was certainly transported back to my youth and recalled with vivid imagination all my old ABBA LP records - which of course I still have - and the songs that have been a formative part of my life.

Mamma Mia was masterfully put together and the production values were second to none. I have quite literally not heard a single critical word about it. On the contrary, I have heard only how fabulous the sets looked, how immersive the sounds, voices and music were, how professionally the cast performed, and how very hard the directors, producers and choreographer worked.

Mr President, this show was truly a once-in-a-lifetime experience - and for me, twice in a lifetime, because I was fortunate to go to both the opening and final night. It was just so good. It has really gone a long way to highlighting what immensely talented people we have in our part of the state. I sincerely congratulate Danny, BJ, Denise, Michael and Michelle, along with the enormously talented cast and company who put on this show. It was truly such a pleasure to see.

Members - Hear, hear.

Women in Resources National Awards 2021

[11.30 a.m.]

Ms FORREST (Murchison) - Mr President, members will remember I have recently spoken about an inclusion program for women in the north-west, the Step in 2020 program, which I have been involved in since being informed of the idea by my constituent, Shannon Bakes, who saw a need to encourage more women into traditional male-dominated areas of mining and advanced manufacturing, and support women into more secure and well-paid employment. It has been very successful, with many of the first cohort of 19 women gaining employment following that very first program.

For the initial program, about 30 women applied for 20 positions aimed at giving them confidence and skills to apply for roles in the mining, engineering and energy sectors, as well

as some important skills and qualifications including: a confined space ticket; a gas detection ticket; working at heights ticket; practice at rescue in harness; and entry-level welding. The team that worked on this project included Cheryl Fuller, Michael Bonney, Shannon Bakes, Renee Donoghue, Jessica Richmond, Alyssia Moolenschot, and Amanda Way.

The program has evolved and is offered in a variety of formats by People Improvers, based on the north-west coast. Our program recently won the Tasmanian division of the 2021 Women in Resources and Manufacturing Awards, which was truly an exciting event for us. We were all very proud of this achievement. Last evening, we went one better and People Improvers won the national award for Excellence in Company Programs and Performance, on behalf of the North West Inclusion Group. A wonderful achievement, and one the team is enormously proud of.

These awards celebrate initiatives that create a more diverse, fairer, safer and stronger mining and manufacturing sector. Award winners, no doubt, inspire other women to enter the resources workforce. While the number of women participating in the resources sector has improved in past decades, there is still a long way to go. There are clear benefits in increasing women's workforce participation in resources, including better living standards for individuals and families - particularly in regional Australia and Tasmania - and increased productivity and sustainability for the companies in which they work.

Some of our great team watched online to celebrate at the Tasmanian Minerals, Manufacturing and Energy Council (TMEC) offices in Burnie. I watched from Hobart, but it was just as exciting. I thank and acknowledge the work of the board and staff of TMEC for their ongoing support for such important work. It was also great to see that Tasmania took out two of the six awards. Tasmania and our mining and manufacturing sectors are doing a great job in this state, encouraging gender diversity and gender equality.

The second winner, Michael Spicer, Production Manager Materials Movement at Liberty Bell Bay, won the Gender Diversity Champion in Australian Resources Award. He won this award for his tireless efforts to increase female participation in the workforce, from 100 per cent male to, currently, 40 per cent female participation, while simultaneously overseeing a 25 per cent increase in female apprenticeships. That is a huge achievement, Mr President, in such a male-dominated field.

It was truly great that our group won the award, but this program is only at the start and the North West Inclusion Group continues to strive to do more. Next Monday, for example, seven young year 11 and 12 women, who have just completed their studies at Marist College and Hellyer College, will commence a modified 10-day intensive course. They will do this in their own time after just finishing years 11 and 12, and are able to gain four units of competency. This program is funded by the federal government, through the Burnie Industry Training Hub, and includes industry and business tours, guest speakers, mock interviews and resume preparation.

Furthermore, there are 40 places funded for women through the state's funding for Supporting Women to Succeed grant. This will commence in early 2022, where 20 places are offered again in Burnie and, of particular note, there is already an existing waiting list of applicants. There will also be 20 places offered in the Huon area, due to a large amount of support from businesses and business groups in that area.

With businesses in places like Bell Bay still not receiving applications for apprenticeships from women, there is still a lot of work to do. I acknowledge and thank the Government for their ongoing financial support of these programs. I also thank our great team in Burnie for making a real difference in the lives of women and their families, and assisting them into gainful employment in a much more secure and better paid area of employment.

Members - Hear, hear.

Movember and Men's Health

[11.35 a.m.]

Dr SEIDEL (Huon) - Mr President, it is the time of the year again when men become particularly prickly - some more than others as the member for Elwick would be able to attest, if he was here in the Chamber. It is for all the right reasons though as we are in the third week of Movember already, not that you could tell if you looked closer at my pathetic attempt of growing a moustache.

Yes, the hairy member for Elwick and I are again raising funds for men's health. Last year's team effort also included our Mole Sisters, the member for Rumney and the member for Pembroke. We raised over $2500 with your help and your support.

It will be hard to beat; but as the member for Mersey already ridiculed my facial hair, I am really expecting him now to pay up - big time.

On a more serious note, Mr President, I advised members of this House last year, that I would provide updates on a regular basis on men's health initiatives and progress made. It saddens me that despite our best efforts, increased community awareness and programs specifically designed for men did not make much difference.

Men's life expectancy overall is still five years less compared to women. Suicide rates are disproportionately higher. So are the rates for cardiovascular disease and cancer. Of course, the public health response with the COVID-19 pandemic has taken, and still takes, priority when it comes to health policy initiatives. However, it also means that other areas are not covered and men seem to be paying for it, too often with their lives.

Men's health deserves a continuous and persistent effort. Once men fly under the radar they are often forgotten and their health needs ignored. Let's keep trying. Men's health is about never giving up and never giving in. The Movember Foundation this year has really only five simple health messages.

(1) Spend time with people who make you feel good. Friends and family matter and spending time with them is good for you. Catch up regularly. Check in and make time. Staying connected has significant health benefits. Let's make it a priority.

(2) Talk more. You do not need to be an expert and you don't have to be the sole solution, but being there for someone, listening and giving your time can indeed be life-saving. Be there for somebody in that critical moment.

(3) One in eight Tasmanian men will be diagnosed with prostate cancer. An early diagnosis is key in making an informed decision about treatment options, including active surveillance. So, know your numbers. At 50, talk to your doctor about prostate cancer and whether it is right for you to have a PSA test. If you have a father or a brother with prostate cancer, you should be having that conversation at 45. Know your numbers, know your risk, talk to your doctor.

(4) Every month, a Tasmanian man will be diagnosed with testicular cancer. And, far too often men would delay going to see a doctor after they have felt a lump or experienced new testicular pain. And where breast self-examination with women is widely promoted, leading to the early identification of breast cancer, self-examination for testicular cancer in men is just not being talked about. There is stigma. The Movember Foundation is changing that by encouraging men to know what is normal for their testicles. Regular checks are important, so just go to the doctor if something does not feel right. It is not that hard.

(5) Move more. Add more activity to your day. Do more what makes you feel good. Take a walking meeting if you can. We should be doing this here, if at all possible.

Ms Forrest - Walk around the committee room.

Dr SEIDEL - That is exactly right and why not, in particular after long committee days. Get off one bus stop or two earlier. Instead of taking the lift, take the stairs. Cycle to work instead of driving, or being driven. The member for Elwick is leading by example here again. Five commonsense health messages that can make a difference, to your dad, to your son, to your brother, to your partner. So, this month reach out to men, whether they are sporting a moustache or not. Have a chat about Movember, nudge them toward health and away from the nitty-gritty of our busy and varied lives. We can all do more with less. We all can do better when we are allowed to focus on what actually matters. It is for better health and it is for a better life. Thank you.

Members - Hear, hear.

MOTION

Government Businesss Scrutiny Committees - Establishment

[11.41 a.m.]

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

> That two Government Businesses Scrutiny Committees be established to inquire into government businesses in accordance with the schedule detailed below and rules as set out in the Standing Orders at Part 22.
>
> That the Committees have leave to sit on Thursday 2 December and Friday 3 December 2021 between the hours of 9.00 a.m. and 5.00 p.m. or such other

time as varied by the Chair and as necessary for the purpose of relevant stakeholder and deliberative meetings.

For 2021 Government Businesses are allocated to the Committees as follows:

Committee A - Thursday 2 December 2021 - Hydro Tasmania, TasNetworks Pty Ltd, TT Line Company Pty Ltd

Committee B - Friday 3 December 2021 - Public Trustee, Sustainable Timber Tasmania, Tasmanian Ports Corporation Pty Ltd

And that

Mr Duigan, Ms Forrest, Mr Gaffney, Ms Lovell, Dr Seidel, and Ms Webb

be of Committee A

and

Ms Armitage, Ms Palmer, Ms Rattray, Ms Siejka, Mr Valentine, and Mr Willie

be of Committee B.

And that the Committees report on the Government Businesses by no later than 17 December 2021.

If the Legislative Council is not sitting when the Government Businesses Scrutiny Committees complete their reports, those reports may be presented to the President or if the President is unable to act, to the Deputy President or other Office holder and in that event:

(a) the reports shall be deemed to have been presented to the Council;

(b) the publication of the reports is authorised by this Resolution;

(c) the President, Deputy President or other Office holder, as the case may be, may give directions for the printing and circulation of the reports; and

(d) the President, Deputy President or other Office holder, as the case may be, shall direct the Clerk to lay the reports upon the Table at the next sitting of the Council.

Motion agreed to.

MOTION

Select Committee on the Operations of TasWater - Report - Consideration and Noting

[11.42 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I move -

> That the Report of the Select Committee on the Operations of TasWater be considered and noted.

About 17 months ago I came to this lectern and asked for the support of this Chamber to establish an inquiry, a select committee inquiry, into the operations of TasWater. I would place on the record my thanks to those members in this House who supported that. I think from memory, it was pretty much everyone. It was a unanimous decision, so thank you very much.

It has taken some time to arrive at a final report. At times it seemed like the world was against this committee, just by virtue of the fact we had an election, we had COVID-19, we had a member retire and so we ended up finishing the inquiry with a committee of three. Was that a challenge? No it was not, in the end. I actually felt, at times, that it might well have been but I can say that the member for Rosevears and the member for Rumney and I, together with our committee secretary, Ms Natasha Exel, worked exceptionally well, if I do say so myself. We got on with it because the stage that the inquiry was at it would have not been terribly useful to try to invite someone else to come onto the committee. We looked at the situation and as I said we were what we considered to be, at the end of the evidence-taking. Certainly, submissions had closed, well and truly, so we went about compiling the report and the report was tabled in the parliament last week.

At the outset, I extend my sincere thanks to the member for Rosevears, who had only been in this place about five minutes and was invited to be a member of the committee and she probably just did not know that she could say, 'no' and she may well -

Ms Forrest - She knows now.

Ms RATTRAY - She is possibly aware of that now, but it certainly was very much appreciated. I also thank the member for Rumney. I had had a discussion with the Leader of the Opposition at the time - and again the Leader of the Opposition - Rebecca White about our Deloraine community and trade waste and at the time, I indicated to Ms White - I need one of your members. I need one of your members on the committee, or else we are going to struggle to get this up. Sarah Lovell agreed to be part of the committee and that was again very much appreciated.

In regard to the member for Windermere, I said in this place last week when he sat in that chair in your Reserve, Mr President, that he never shirked any work in this place. When I invited the former member for Windermere to be part of the committee, I am sure he had a thousand other things that he would rather have done, but he also agreed to be on that committee.

For the work that he undertook for the duration of his time on the committee, I sincerely thank him as well. He certainly had input, particularly in a couple of areas where he had a

direct interest. He certainly had people who he knew well and they made a considerable contribution to the work of the committee, and the terms of reference. I will talk about that as I move my way through those terms of reference and the findings and the recommendations.

To our committee secretary, - who I know is retiring from this place, I believe this week - Natasha Exel, an exceptional committee secretary. There will not be one member in this place that will not agree with that.

There are times when reports become quite a chore, but -

Mr Valentine - That is an understatement.

Ms RATTRAY - It is an understatement for some. Natasha always gave 110 per cent to a report.

Just the support that she provides to the committee structure, I believe is second to none. I not only thank her for her work with the TasWater Operations Select Committee, but also all of the other committee work that she has assisted us with, particularly myself as the Chair of Committee B over a number of years now.

If Natasha is by any chance listening at her desk, thank you Natasha. Your service to the Council will certainly be missed but we know that wherever you decide to put your energy in the future, that you will do it in the same diligent manner that you have done for the Legislative Council over the past years that you have been with us. So, thank you.

Now to the report. I even had the press conference last week solo because both of my colleagues were unavailable to participate in that. I felt that it was important that we got it done. I believe that if we have kept it another day, it would have run into the Greater Hobart number 11 or 15. I think 15, number 15 report. So, I am pleased that we did.

It was an interesting exercise, and we often find this with committee reports. You start out with some terms of reference that have given you the momentum to actually establish an inquiry, and you end up being quite surprised by what you find through submissions and evidence. I think it would be fair to say that this was one that I certainly was surprised by, and I know that perhaps my colleagues who were also members of the committee may well share their thoughts on that.

The two main areas that were, I guess, the reason for establishment. One was the impact of trade waste on small business. At the time, I particularly talked about the Deloraine community who were really struggling with trade waste compliance and the sheer cost of that compliance. We had gone through a number of consultation processes, meetings I had with the Deloraine business community and I felt frustrated on their behalf. There had been some suggestions offered up by TasWater for addressing that particular matter, but we still felt there were some outstanding areas. I was expecting that would be a significant issue and it was. The other reason for the establishment of the committee, in particular, was around the long-running saga of the water supply and delivery of water to the Pioneer township. We know it is a small township in the north-east, but it is an important township because it belongs to the member for McIntyre and as their representative, it is my role to represent that community.

They were two of the main areas and the terms of reference were built on those two particular issues but as we always do, we do our best to try and make sure if there are any other areas of interest when it comes to an organisation like TasWater, then they have opportunity to be heard and heard they were. The Civil Contractors Federation of Tasmania came to the committee. I know it started to have meetings right across the parliament with all sites of the parliament prior, but this opportunity for them as an organisation to come together and present to the inquiry was powerful. I absolutely believe that and interestingly I did make note of this in the report - I will talk a little bit more about it as I move through - but there was some hesitancy and some reluctance to actually put on the public record their concerns for fear it may negatively impact on their ability to gain work in this area.

Now, that is unfortunate, to say the least, because we want our businesses in Tasmania to always have opportunity. The formation in 2019 of the Capital Delivery Office - which was established as an alliance agreement with UGL Engineering and CPB Contractors with support from WSP Australia - the CDO was formed to enable an accelerated program of delivery for essential water and sewerage projects. It was responsible for the delivery of all capital works from the planning, design, procurement and delivery phases. TasWater had contracted that out to what I will refer to as the CDO office and of course, that is an organisation far removed from Tasmania, far removed. We went through a process of hearing the stories of how our Tasmanian businesses were not able or felt unable to even apply or tender for works under this arrangement.

Ms Armitage - The CDO may be one aspect, but this has been happening long before the CDO came in. I have been receiving complaints, concerns and writing to TasWater long before 2019. It has been endemic in TasWater that jobs are actually going to mainland firms. I will speak to it, but engineers are actually now joining up with mainland firms, getting the same work but unfortunately, money is going off to the mainland firms. Because the same people are getting the job, but they do not get it when they actually tender themselves. They have to tender with a mainland firm to actually get work they are then doing. Quite rightly, they are afraid to actually give their names out because they think they will not get any work at all.

Ms RATTRAY - The member for Launceston obviously has some examples she is going to share with the House at a later time. I look forward to hearing that, but I also would like to think there have been some changes in the way TasWater has gone about letting tenders. I know in a response to the committee an attachment and a number of responses were provided. That is one of the positive aspects, and there are not a lot of positive aspects of a committee needing to take 17 months from the time it is established to the time it reports. It did provide TasWater with an opportunity in July 2021 to provide to the committee a number of responses to matters raised, not only through the submission process but also the hearing process. The committee chose to have that appendix directly with the report and people who were reading the report could see the direct responses.

Obviously, a committee process often, as I have said previously, is a vehicle for people to come forward. It may well be a specific issue where a customer of TasWater has not been able to have their matter resolved in a satisfactory way to their mind. We are not always able to solve everyone's issue, otherwise we may well be doing something else if that was the case. We certainly have the opportunity to allow individuals, organisations and the like to have that vehicle to come forward and speak to the committee.

In the media release, the major finding of the committee was TasWater's relatively new Capital Delivery Office, the CDO, had resulted in some serious issues for Tasmanian industry contractors. Following the establishment in 2019, the relationship between TasWater and the Tasmanian contractors is fractured and deeply impacting on local businesses and individuals. That did not give me or the members of the committee any joy to put that on the public record because TasWater, through the committee process, always was engaged. They always sent a representative to all the hearings and wanted to know what their customers were feeling, thinking and how they were experiencing their relationship with TasWater. They certainly did not shy away from that. They certainly did not agree with some of the reported remarks and comments made and they have responded to those, but they certainly always listened to what was put forward.

The committee recommended an immediate and comprehensive review of the CDO and noted the Government had also indicated it would support such a review. I would expect the Government had been hearing, as members of the committee had, of those instances where Tasmanian businesses felt they were being penalised for not being able to tender for works where it was just too difficult under the CDO arrangements. They spoke to us about how one of the biggest issues was insurance and we all know what insurance premiums and the like can do to a business.

Often, they were not able to even obtain insurance to tender for a job under the CDO arrangement.

We know from the information received from TasWater that they had made some changes to smaller projects that would not, perhaps, have needed quite so much liability insurance as larger projects. They had taken that on board, and made that change prior to releasing the final report. That was certainly some comfort, but from what I hear from the member for Launceston, it has not filtered through to all aspects of those who have been suppliers of goods and services to TasWater in the past.

The committee also found that trade waste compliance had caused significant issues to small businesses. This was only in some areas. The interesting part was that there was no effective appeal process for TasWater customers who were unable to resolve disputes. The committee has recommended that TasWater work more collaboratively with business to take individual circumstances into consideration and provide more flexible and cost-effective solutions.

In saying that, those flexible arrangements are something a business like TasWater needs to take on board. We are talking small business here which, as we know, is the best part of Tasmanian business. They make our business community tick. They are not large businesses in many instances. To be forking out $30 000, $40 000, $50 000 for trade waste solutions, even if you are able to pay it off - and TasWater did offer a payment plan for those businesses - you still have to find the money each month. It is not a gift, it is a loan. It is a line of credit, so you have to pay that back. That certainly was an impact on some of the small businesses represented around the state.

That was part of the press release. The last part was that the committee was particularly pleased to note TasWater's recent announcement of its plan to establish a piped water system into the township of Pioneer. I can only -

Mr PRESIDENT - It will be called the Rattray Pipeline.

Ms RATTRAY - I like the sound of that.

Mr Valentine - It might have been called after the principal petitioner in that regard.

Ms RATTRAY - It may well be called the Tim Slade Pipeline. On that, the Pioneer township has been very fortunate to have Mr Tim Slade as their strong advocate.

Mr Valentine - He was very much onto it.

Mr PRESIDENT - Never surrendered.

Ms RATTRAY - Mr President, I feel sure that this report will not necessarily satisfy every aspect of Mr Slade's concerns around the history of how we have arrived here today - but if he looks at the fact that a piped water system will be available into that small township, I feel sure he will take some pride in being able to say that his advocacy for the Pioneer community has brought about that commitment by TasWater.

I would like to think my advocacy has also been part of that, because I have continued to support Mr Slade through a very long journey. For anyone who wants to take the time, you can possibly follow that story by contacting Mr Slade or by reading the *Tasmanian Times*. It is there in black and white.

Interestingly, I received phone calls from journalists a couple of times. I was expecting they would want to talk about the challenges for the Civil Contractors Federation and industry stakeholders, and they were wanting to know how we were going with Pioneer water. So, that interest has certainly had a reach. It really has.

I continued to advocate on their behalf because it had taken a long time to get to that point - but once Dorset Council took a decision around the council table to fully support the piping of that water into Pioneer, the wheels did turn fairly swiftly. So, the advocacy on behalf of the local member, myself; the support of Dorset Council, a shareholder of TasWater; and TasWater's commitment has made this come about. I am very pleased that was part of it.

I will start at the top. We had 33 findings, and I am not going to go through each one. The report is there in black and white. It is not, as you would expect, a huge report. The body of the evidence is there for anyone to find, but it certainly says what we need to say.

So, 33 findings amounted to 11 significant recommendations. It has always been my thought, through the committee process, to put into a report recommendations that you believe are achievable. I would rather have 11 very important recommendations than 30, of which half you do not really think will ever be acted on.

I would expect these 11 recommendations will all receive the attention of the various organisations that need to take them on board. It is always an interesting exercise because, effectively, these are recommendations to TasWater, but of course our report is to government. So, working through the findings and recommendations, and how they were worded to have the Government acting on those recommendations, together with TasWater, was a really important aspect.

So, we will start at the top.

First, operations in regard to the impact on business required to comply with trade waste regulations - and I have already touched briefly on that - for TasWater to explore more cost-effective trade waste solutions for small businesses. We know technology is improving every day, so the $60 000 solution for a particular grease trap may not be the best outcome - just because it is what TasWater have in their mind as a solution that somebody put in, say perhaps in Salamanca - in an area where it was difficult, because of the building structures.

There are a couple of small businesses in the main street of Deloraine that have nowhere to go. It is very difficult for them to install these trade waste requirement services. There needs to be more cost-effective trade waste solutions for businesses to be able to explore.

That is always going to take working with the plumbing industry on those options as well. We found very early on in the piece that not all small plumbing businesses have the know-how and expertise in installing trade waste solutions for small businesses. Again, there is that education and working together with small business to be able to perhaps retrofit something that effectively would make these small businesses compliant, because that is part of TasWater's objective. We know a significant number of small businesses already are compliant, but they may well have been able to do that just because of their business situation - their property may have allowed for it. We also have to remember some of these businesses only have leased premises. They have to get the landlord to consider installing something like this; in turn, they will have to make sure that the business that is leasing the premises is able to cover the cost, whether it is taken over a period of time, or they take up the TasWater opportunity to pay off the money they have to borrow to install the trade waste operations. It all needs to be worked out. Again, TasWater works more collaboratively with business to take individual circumstances into consideration, and provide more flexible and cost-effective solutions. There is still a lot of work to do there. I hope that TasWater would allocate some staff members in the organisation and build relationships with those businesses, so they can work through what is required.

Term of reference three: the opportunity to re-use water expansion for irrigation. We know water is liquid gold; we have heard it many times -

Mr PRESIDENT - I think is more valuable than gold. I think that statement downplays -

Ms RATTRAY - You think that is out of date?

Mr PRESIDENT - the value of water because we can all live without gold. We cannot live without water.

Mr Valentine - Wise words. They are wise words.

Ms RATTRAY - Very wise words, Mr President.

Mr PRESIDENT - I think about it quite a lot.

Ms RATTRAY - The committee considered there should be a review of those current water waste re-use practices and policies, and that should be undertaken with a view to better utilising this important resource and to support agriculture. There are plenty of areas where

there will never be one of those wonderful irrigation schemes. We need to look at the resource we already have. Wastewater re-use practices have also come a long way - from when you would never entertain the re-use of wastewater - but we know it is achievable and it needs a focus. I hope that the likes of the TFGA and DPIPWE would look at that, together with those areas that will not necessarily be able to achieve water as easily as others. We know that the cost of the water they are piping out through the irrigation schemes around Tasmania is getting more and more expensive every time. It is $1100 a megalitre, it is $1200 a megalitre, it is $1400 a megalitre. You can only go so far before you have to consider whether it is cost-effective to have your money invested in a scheme like that. Here is a fantastic opportunity and it needs to be worked on.

Recognition of Visitors

Mr PRESIDENT - I welcome members from the Lifeline Chats social group into the Chamber today. At the moment, the member for McIntyre is considering and noting a report on TasWater, and other members will have the opportunity to speak to this as we go further. I am sure all members will join me in welcoming you to our Chamber today.

Members - Hear, hear.

Ms RATTRAY - I add my warm welcome. I feel sure that everyone is interested in TasWater operations because we all receive an account.

Term of reference 4. Management of sewage treatment, including the disposal of treated waste biosolids. The former member for Windermere was very interested in this area. He had a constituent who provided a great deal of detail. It was an interesting area, Mr President. I had not spend a lot of time considering this particular aspect of sewage treatment, although we know it is very important part of the role of TasWater and the services that they provide.

The recommendation was to strengthen regulations and better communicate them, to encourage the safe use of biosolids while protecting the environment and the people of Tasmania from potential contamination. When you talk about what you can buy at a local nursery and how that is marketed to the community, that certainly was something that I did not previously address my mind to. The information from Alistair Nicholas, referred to in the body of the report, is very interesting and he had studied this particular area and had engaged fully with Mr Dean.

I did not have an opportunity last week to ask Mr Dean whether he read the report. I know he is quite busy at the moment with some other home improvement projects, which I know he enjoys immensely. However, it would be interesting to have some feedback from Mr Dean and Mr Nicholas at a later time, around the disposal of treated waste biosolids. It is another important aspect of protecting our environment. We all have a responsibility to look after the environment. Young people are very focused on the environment, and if we are not putting our focus and energy into that, we will certainly be hearing from them. It will not take a forum in Glasgow to get the message that we need to put our focus into the environment, as elected members and representatives of our communities.

So, here is an opportunity. I look forward to the Government's response, and they may well be doing some work in that area, as we speak. I feel sure that the Leader will let us know when there is a response from the Government.

Term of reference 5 - The effect of TasWater's dividend policy on local government revenue. Local government represents 29 shareholders of TasWater, as well as the Government on behalf of the people of Tasmania who have a minority shareholder arrangement, following the attempt by the Hodgman Liberal government to take over the running of TasWater. About three years ago, the Government decided that TasWater operations were not running as they perceived it should be. The Government's attempt to change the structure of TasWater failed, but it certainly does not change the obligation of local government as its shareholder.

We found it interesting that we only received, from memory, three submissions from local government; four, for this inquiry.

Mr Valentine - We got eight councils, on the traffic one.

Ms RATTRAY - It was somewhat surprising that we did not seem to have as much input as what I suggested may well have been in local government land for this inquiry. Whether they were just trying to manage their way through COVID-19, there was always going to be an impact following COVID-19 on their dividend policy. The recommendation was that the capping of the Price and Service Plan No. 4 should be revisited to allow the corporation to recover from the long-term consequences of COVID-19 and obviously, many councils in our state rely heavily on those returns to their council.

For instance, we heard from Break O'Day Council it would affect their service delivery when it came to general maintenance around the community. For that price and services plan to be revisited, we believe it should take place and then the long-term consequence of COVID-19 be factored into what TasWater can do into the future when it comes to pricing and the delivery of that price into the Tasmania community. I feel sure, they will also be mindful of the ability for the Tasmanian community to pay. That is what it is all about. You can put a price on whatever but you have to be able to pay for it, so we need to make sure it is achievable for people to pay.

The impact is not only on your own household but on your rental properties. Therefore, an increase in rental prices puts people in more rent stress. It just goes on and on. We are always mindful as representatives about the impact of increased prices on our community.

Ms Armitage - Madam Deputy President, you might recall when we were on Council and the change was made to TasWater we were told at the time there would be no extra cost and it would simply pay to a different entity. Now, of course, while the amount for water is minimal compared to those ongoing charges quarterly, they are as much as some people's rates.

Madam DEPUTY PRESIDENT - Order, the member for Launceston will have her turn to speak on this. The member for McIntyre has the Floor.

Ms RATTRAY - The member for Launceston is exactly right. I think I was sitting over there at the time when the former leader of the Government, the honourable Michael Aird said

that: 'It would be no more than a 10 per cent increase on what we were already paying for the delivery of water and sewerage services across the state'.

The member is absolutely right - it is well and truly more than 10 per cent and if it had not been for government putting a cap on pricing increase, it would be well above. It has certainly changed the focus of TasWater's operations when they are looking to get a larger return. I will talk about the CDO arrangement later.

The term of reference No 6 is the delivery of timeliness of water services in Tasmanian communities. This was particularly related to the Pioneer community which over many years, through the advocacy of not only Mr Tim Slade but others in the community, had been very disappointed about the way they had been treated and the fact they had not, in their view, received the appropriate attention, services and certainly, that piped treated water to the township of Pioneer.

Obviously, that outcome had been achieved, but the recommendations were for TasWater to follow through on its commitment to provide piped water to Pioneer as a matter of priority and there is no way they are going to turn their back on the commitment made to that Tasmanian community.

The next was that the Government work with TasWater to explore funding options to manage historical infrastructure assets located on private property. This was particularly regarding the Mt Rumney area and I feel sure the member for Rumney will have something to say about that. It is a small community and they have been trying for many years to get some traction on infrastructure on private property for the delivery of water to the Mt Rumney community.

The next one is TasWater work with communities to plan for future management of private water schemes. We still have a number of those in the state. Again, there is some work to do. It will be a challenge for TasWater to work with those communities, but that is their role. If government had taken over the TasWater operations and put it into a department, they would have had the same obligation. It is important those communities have the opportunity to work through solutions for the delivery of water and the infrastructure to underpin that.

Term of reference number 7, the effectiveness of business operations since the state government became a shareholder in early 2019. I have already touched on this, to conduct an immediate and comprehensive review of the Capital Delivery Office. That means immediate, that is there for a reason. That was absolutely vital to the committee that they see that review be undertaken. Disappointingly, we were not able to gain from TasWater the cost of that CDO arrangement to TasWater. Disappointingly, they would not share that with the committee and that can only tell me one thing, that it is so huge they could not share it. Tell me it is not, I would be happy to take that advice, but I expect it is a huge cost to the organisation. A huge cost to an organisation is fine if it is delivering the outcomes we are looking for but it was not. It was not supporting our Tasmanian businesses.

You will note in the findings in this particular term of reference, it talked about the relationship between TasWater and the Tasmanian contractors being fractured and is deeply impacting on local businesses and individuals. It went on to say that due to the fear of retribution, a number of parties refused to publicly state their position on the CDO. We took some evidence in camera but, as we know in this place, we are not able to share that. We often

wonder why we take it because we cannot share it, but we need to know that background. I believe it does inform us and helped some lines of questioning.

It was also difficult for the committee to ascertain if the CDO is the most appropriate model for Tasmania, because we did not know what the alternatives were. We were not able to be provided with any other options TasWater looked at before they entered into the CDO arrangement. Again, information that was not provided to the committee, albeit, it was requested.

The overall strategy and direction of the CDO is unclear in the market, with duplication of roles and functions being viewed as an unnecessary cost. That came from industry, that there was doubling up. Through COVID-19, they were not able to fly in, but they were using Tasmanian contractors. They were taking the money for the overarching contract, Tasmanians were delivering because they know their area, they know the terrain, they know what they are doing. They were the ones who were taking all the liability, delivering the works, and the CDO was pretty much taking the money for arranging it. You have some duplication there, and it was deemed by the industry as an unnecessary cost and all it does is put significant cost onto the top of an already expensive project.

The committee went on to say there is no transparent evaluation of progress being made against the CDO's key performance indicators. Again, we were not able to have access to the key performance indicators. KPIs are an absolute feature of any contract. If you are not meeting the KPIs, how do you know? You have to have those in place, and again, they were not provided to the committee.

Key stakeholders, including the Government and industry, support the concept of a review into the CDO. Again, the committee was very appreciative of the fact that government had put on the public record that they supported that immediate review.

Also, the issue of contractor liability. Under the current CDO terms, this is a significant obstacle for Tasmanian businesses tendering for, and being awarded, contracts. I have already talked about the fact that if you cannot get the appropriate insurance, to be able to even put in a tendering process, or the tendering process is so onerous that a small family business just cannot find their way forward to doing that - therefore, they are not able to continue to do the work in the industry that they know and understand.

Some were long-term businesses. They had been involved with TasWater and in the industry for many years. These were not businesses that had just started up, had no real understanding of what was required. They knew the industry backwards. They were some of the bigger businesses as well, standing shoulder to shoulder with the industry, they were. It was very compelling.

Any other matters incidental thereto - always an interesting one. The recommendation that government should clarify which minister has primary responsibility for TasWater and that this is made easily identifiable on the TasWater website. Always a tad confusing. Who actually is the minister responsible? Is it the Treasury minister, is it the Health minister? Who actually is the minister that I would go to, that the member for Rosevears, or the member for Rumney, or the member for Windermere, goes to with a problem about this? It is not easily identifiable, and I believe that TasWater needs to have that identified on their website.

The Government work with LGAT and TasWater to consider a statewide headworks policy. That is something that has been talked about for many years in this place, having that consistent approach to headworks. We know that with the development that is going on in our state, as we speak, through the building industry and more to come. Just from the various bills that this House has looked at for planning and building matters in recent times, a consistent headworks policy would be very useful.

It certainly would deliver a better outcome so that developers know exactly what they are dealing with. Supposedly, we have a statewide planning approach. Why would we not have a headworks policy approach? That particular recommendation about the constraints in further development and infrastructure due to the lack of a headworks policy came from councils themselves. LGAT is looking for that headworks policy and a statewide approach and I believe it is incumbent on the Government to work with LGAT to further progress that particular matter.

In regard to fixed charge components, we took quite a bit of evidence about fixed charge components and the committee was very hesitant to compare Tasmania to other states. We received quite a bit of information about the fixed charge components, particularly in comparison with the Victorian situation. Tasmania is unique and the committee certainly felt that it was not in a position and caution must be exercised when comparing Tasmania to other states. That has certainly been something that I have stuck to, if you like, for many years, because you cannot always compare yourself to other states. So, in regard to the fixed charge components of the delivery of water and sewerage in Tasmania it certainly needs to be considered.

The report is there and as I have said, it was a useful exercise. Whether it always delivers the outcomes that you go in believing that you might be able to deliver in a report, that is for others to perhaps make judgment. I am very comfortable with the report and the contents and I feel that it provided a vehicle for a number of individuals and organisations and I thank TasWater as the key stakeholder.

No organisation wants to be the subject of a select committee inquiry of the parliament but I think it is also an opportunity for an organisation to talk about the things that they have achieved and TasWater certainly did that. Mr Mike Brewster, the CEO, took every opportunity to present to the committee. At one stage there was some toing and froing about the availability of Mr Brewster and he was very firm in the fact that he was the CEO and he wanted to be the person who was presenting to the committee and I commend him very much for that. He certainly did not shirk his responsibility at all as the CEO. When TasWater was asked to provide information and come before the committee, he was the person who wanted to be there as the CEO. So, we thank him. We know Mr Brewster has announced his retirement from the position. I trust that the establishment of the committee was not any part of his decision. I feel sure that he has made that well outside of this process.

Mr Valentine - I do not think he will miss it.

Ms RATTRAY - You do not think he will miss it, no? I am pretty sure I heard somewhere he was interested in spending more time with family and so that is always a good reason to move from a particular position. As a committee and as an individual and on behalf of my electorate, I would like to thank him for his time - I think it is about eight years now - as the CEO of TasWater.

I would like to particularly thank Ruth Dowty. As part of the TasWater team, Ruth always kept in contact to see where the committee was at, but if there were individual circumstances that did not need to be part of the committee process, then Ruth and her team at TasWater were always prepared to look at those individual cases and do their best to resolve them. I recall one in particular at Beauty Point, where there had been a long-time failure to address an issue around water pressure. That matter was relayed to Ruth and her team, and has now been resolved. Whether it was the establishment of this committee and the fact that TasWater were doing their utmost to address those outstanding issues, whatever the case may be, they are certainly appreciated by Tasmanians in those communities who have had issues that have not been resolved at various times. I thank them for those opportunities.

Am I absolutely satisfied about the outcome of the inquiry? I think it would have been useful to have - particularly around the CDO and the cost of that, and the KPIs, so that the committee could have made a better judgment on their effectiveness. However, I feel sure that the immediate review process that it has recommended will deliver that outcome - and that should, I believe, be a better outcome for the people of Tasmania.

There is more work to do, and I would like to think that councils, local government, will take this report and see their obligations. They are the key shareholders of this organisation, and -

Madam DEPUTY PRESIDENT - The owners.

Ms RATTRAY - Yes, they are the owners of TasWater, and the key stakeholders, and there is more to do. I look forward to hearing and learning of these 11 recommendations being acted on, and I am particularly interested in the Government's response to these.

Again, I thank the member for Rumney, the member for Rosevears and also the former member for Windermere, Mr Dean, for agreeing to be part of the committee in the first instance and staying on the journey - albeit the former member for Windermere retired as the committee was still in process.

However, I believe we did a reasonable job and I note the report.

[12.43 a.m.]

Ms ARMITAGE (Launceston) - Madam Deputy President, I thank the committee for the report, which I have read. I thought it was a very good report.

In starting I, too, thank Mike Brewster. While I have always had some issues with TasWater, particularly in engineering areas, Mike Brewster and Ruth Dowty without doubt have been tremendous in solving general constituent issues I have had. I cannot remember one issue for a constituent - apart from, as I said, actual engineering works - that TasWater has not resolved. I certainly thank them for that; they have been tremendous. There is not an issue that I could say that I have had to go back to a constituent and say we could not sort out. They have really worked well in that area.

The main area I have is procurement, and the transparency of procurement - and, as the member for McIntyre mentioned, the CDO, the Capital Delivery Office. Hopefully that might make some improvements; the fact that one of the recommendations is that we have an immediate review of that office does not sound like it is, which is a bit disappointing.

As has been mentioned in the terms of reference, by the member for McIntyre, following the establishment of the CDO, the relationship between TasWater and Tasmanian contractors is fractured. Well, it has been fractured for a long time.

The first letter that I note in my files was from 2014, when I had issues from engineers about the transparency of procurement. The concern they have is that while they may get the work - they are not saying they do not get to do the work, but if they tender for the job, they do not get it. So, the only way they can actually get it - they have discovered this is the only way they can do it - is to team up with a mainland firm. So, the mainland firm puts in a tender and they team up with them. They end up doing the work - but the unfortunate part, as they say, is that if they put in the original tender and got the work, it would be a lot cheaper for the people of Tasmania. At the end of the day, the mainland firms got the work, and the Tasmanian crew are still doing the work, but there is an extra layer of money going on top of it, which is really quite unfortunate.

I am not going to mention names, because I have been asked time and time again, please do not mention who I am or the name of my engineering firm or who we are - some are big, some are small - because they feel they certainly will not get any more work.

This is from 30 October 2014:

> The organisation in my opinion is currently out of control and there is a massive impact occurring on the community. Key things I am concerned about include transparency of procurement.

The next one I have is 2017. This was regarding the takeover of TasWater:

> I am fully supportive of the takeover. However, I am deeply concerned if it is not done correctly then the issues won't be fixed. And instead, it would just draw mainland firms over the next five years, hence Tassie firms will not get any benefit from the takeover. And in the long term it will be a complete negative to the state's economy.

Still talking about actual local firms getting the work.

Questions in 2019 with regard to the CDO:

> One of the stated aims of the CDO was to provide work for local consultants and contractors. Question. What does this mean for the engineering sector? The CDO appears to be lumping the capital projects into very large packages which will require multidisciplinary teams to deliver. What does this mean for small engineering consultancies?

Next:

> To have the opportunity to participate in projects, do businesses need to form consortiums or align with multidisciplinary firms? If not, what is the likely mechanism for them to participate in project design work?

And it goes on. I did ask questions in this House, and I did after some time get some answers. I appreciate it is difficult for the Government to answer questions about TasWater, only having a 2 per cent interest in TasWater - and, of course, we have the owner councils.

So, what are the answers to my question regarding how much work is given to local contracts? Quite a few different engineering firms have come to me with concerns - not all northern, but all definitely statewide, and definitely made up of local contractors.

Ms Rattray - They certainly stood shoulder to shoulder when they presented to the committee.

Ms ARMITAGE - Absolutely. And they were delighted when I was able to tell them that you had the committee formed. My local members were very pleased that they would be able to come along and put in a submission and speak to it, because it has been a concern for a long time, and certainly for as long as I can remember.

In one of the answers to questions about the CDO, it was said 84 per cent of contracts were awarded to local people. The comment that came back from one of my engineering firms said they had not awarded many, so it is skewed by the Mikany and Henderson projects, which I believe are dams, which was $20 million of the $26 million awarded; 84 per cent of very little is still very little. It also said they do not detail the money paid to the CDO. I am not sure whether -

Ms Rattray - We could not get that information.

Ms ARMITAGE - The member could not get that information either. The further comment about staffing is interesting, that they think the majority are locals. If there was a skills shortage as they claim, why have they been able to source the skills locally anyway? I suspect they count them as local if they relocate. The issue is they do not relocate, they are doing fly-in, fly-out.

I know from questions I have asked in the past, if a mainland firm has a local office - which many do, many hire an office, it may not be manned or they might have one person in it, but all of a sudden, they are classed as a Tasmanian firm. They bring many of their workers from interstate. That is the main concern I have had with TasWater, of mainland firms getting the contracts, then employing local people to do the work, but when local people put in the tenders, they do not get it unless they are aligned with a mainland firm. That is quite disappointing.

Another recent one I had is with regard to, it is hard to describe and I guess you would call it cutting and shutting of pipes for new businesses. The charges are beyond the realms of your imagination. Some of the prices I have been told of for building works, for example, coming into the mall where a business is changing slightly and they need to change some of the pipe work. In order to even close a street when they are doing the work at night to cut and shut a few pipes is hugely expensive, many thousands of dollars for something they say takes a very short time. It is really impacting on a lot of developers.

This is an issue I have ready to go to TasWater, I am not sure I am going to have any great success. Mike Brewster has been great with constituent work, but I have not had a lot of success when it comes to tendering, procurement and areas such as that.

Ms Rattray - It is the big areas.

Ms ARMITAGE - I think they are really outside the scope of his ability. They probably come under the board. I have had discussions with Miles Hampton in the past, and we have had to agree to disagree. I am sure if Mike Brewster could have helped, he would, but I do not know that it is within the realms of what he can do.

Ms Rattray - I would have thought Mr Brewster would have had direct input into those areas. I do not know exactly how the functions of the board and their relationship work.

Ms ARMITAGE - It is the only area where I have not had success with TasWater. I have to say Mike Brewster and Ruth have been absolutely fabulous with other constituent issues, but when it comes to procurement, engineering and the development works, I have not had a great deal of success. It has been more of an individual constituent having an issue and they have been fabulous, they have resolved every issue without fail.

The other area mentioned and which is a bit difficult, is the new secondary treatment plant at Ti Tree Bend we would desperately like in Launceston, the $285 million promised in March 2016. I really believe it belongs to the members for Windermere and Rosevears, that river is more in your area than mine. I am hoping you do something about it, perhaps lobby the 2 per cent the government owns -

Ms Rattray - It is a small thing to deal with.

Ms Forrest - I thought council were the owners, bash up the councils.

Ms ARMITAGE - The river really is not mine. Unfortunately, you can see it from my electorate but it does belong to the other two members. That $285 million for a secondary treatment plant from 2016 has probably blown out to about $350 million now. It is unfortunate and I would have to say it is a disgrace we have raw sewerage still being discharged into our Tamar River at times of high flood.

Ms Forrest - Does your electorate -

Ms ARMITAGE - It does. Probably the raw sewerage comes from my electorate. I have to admit that -

Ms Forrest - You are responsible, after all.

Ms ARMITAGE - We have over 9000 houses in the Greater Launceston electorate with joint sewer and water which causes the problem in times of high flood when the current system cannot cope with.

Mr Valentine - The problem is the stormwater and sewerage are conveyed in walls in some areas in your electorate. It is not an easy solution.

Ms ARMITAGE - I have to admit my house is one of the culprits.

Ms Forrest - There you go - fall on your sword.

Ms ARMITAGE - I know. Our house, built in 1930, has joint sewer and water. With over 9000 houses it is a real impossibility for councils to change that system. There is certainly no way they can dig up that many gardens, concrete paths and driveways - the cost would certainly be more than the $250 million quoted in 2016.

Mr Valentine - I think I might be in the same boat.

Ms ARMITAGE - I think you might be. I have the understanding Hobart has very similar problems and it certainly is an issue.

Mr Valentine - It is why Salamanca goes the way it does occasionally.

Ms ARMITAGE - Yes. Obviously, we have had lots of those problems in the city so that from time to time there are sewerage spills.

I am going off track a little bit, but I can recall being in real estate and seeing raw sewage running down the side of a house. It was in the member for Rosevear's electorate because of the many old pipes. This is also a difficulty for TasWater as it had been for council, in that a lot of the old clay pipes crack, move and it does not take much for something to get caught in those pipes and all of a sudden, they overflow and cause a lot of grief. It certainly is not an easy one. All in all the report was not something I particularly wanted to be part of -

Ms Rattray - I remember asking you and you turned me down flat.

Ms ARMITAGE - I do recall that. It was not that long before we had the inquiry into TasWater and the takeover by the Government which I chaired and I really thought I had my share of TasWater at that stage.

I am very happy to read your report and as I was saying, hopefully a lot of the recommendations will get -

Ms Rattray - It is only 11 so it is not insurmountable.

Ms ARMITAGE - I am very pleased to see there certainly appears to be support, as the member was saying for an inquiry or -

Ms Rattray - A review of the CDO.

Ms ARMITAGE - into the CDO, because I asked a lot of questions of the CDO and while some were answered, I cannot say they were answered all that well.

I am trying to find the questions, if you would indulge me for a moment, Mr President; I am trying to get finished before 1 o'clock and we can start afresh. Most of the CDO questions were answered probably in 'political speak' - they were answered, but did they really get answered? Possibly not. I accept it is difficult for a government to answer questions about an entity such as TasWater, mainly owned by the local councils, and on that note -

Ms Rattray - It was difficult to find out which minister should respond.

Ms ARMITAGE - Who is the minister responsible?

Ms Forrest - No-one's responsible.

Mr Valentine - I would say it is the Treasurer, because they are the ones who provide the money.

Ms ARMITAGE - They are the ones who took over.

Ms Forrest - It used to be the minister for Infrastructure, but maybe it is the Treasurer now.

Mrs Hiscutt - I believe it still is the minister for Infrastructure.

Ms Forrest - Mr Ferguson - it is his job.

Ms ARMITAGE - I will not go into these because there is probably no great benefit in pointing out the answers not answered from the CDOs. I appreciate the opportunity to speak to the report of the member for McIntyre and am hopeful the concerns my constituents have, particularly with regard to previously, and now with the CDO, the way that tenders were put out and who actually got the work, will be addressed and looked at in the not too distant future.

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

QUESTIONS

COVID-19 - Road Map to Transition Plan and Hospital Preparedness

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

[2.30 p.m.]

With regard to the road map to the Tasmanian plan to transition our local COVID-19 response and the hospital preparedness map -

(1) Is the Government able to demonstrate that COVID-19-dedicated resources have not detracted from other necessary - i.e. not elective - service provision? For example, cancer screening, outpatient clinics and inpatient services.

(2) Can the Government provide the number of Tasmanians that were vaccinated and became deceased since the commencement of the vaccination tally?

(3) What measures are in place to ensure that the vaccination tally accurately reflects internal and external migration across the tally period?

(4) How many community cases of COVID-19 will trigger lockdowns for Tasmanian regions and are there are triggers apart from case numbers?

(5) The Government's hospital preparedness map suggests that there will be 367 state ventilators in December this year. However, the map indicates the presence of 31 ventilators at the North West Regional Hospital, 11 ventilators at the Mersey

Community Hospital, 76 at the Launceston General Hospital and 90 at the Royal Hobart Hospital as well as an additional 37 private ventilators in southern Tasmania. The number of ventilators on the map tallies at 245. Noting that the Commonwealth is still to supply 100 ventilators to reach 367, there is a discrepancy of 12 ventilators. Can the Government account for this discrepancy?

(6) What is the breakdown of ICU beds across the state's regions?

(7) When will the Commonwealth-supplied ventilators be operable? Are they identical to existing ventilators, or do they have different specifications that call for upskilling or retraining, and/or refitting of facilities?

ANSWER

Mr President, I thank the member for her question.

(1) Since 2020 there have been both internal and external reviews about the north-west outbreak and more detailed understanding nationally and internationally about COVID-19 and its impacts, including a range of national and state modelling. This information has informed the significant investment in managing the risks of COVID-19 transmission, planning for COVID-19 outbreak management in Tasmania and most recently for Tasmanians to transition to living in a COVID-19 vaccinated community. The Tasmanian and Australian Governments (via the National Partnership Agreement on COVID-19) have provided the Department of Health additional funding to support this Response to, and consequent management of, COVID-19. This includes the recruitment of additional staff and backfill of existing staff to undertake the roles in support of the response, allowing continuity of normal clinical service delivery.

(2) We are unable to measure this number; however, in terms of the statewide statistical base it is likely to be very small. The focus is on providing opportunities for everybody to be vaccinated and to vaccinating all eligible Tasmanians.

(3) Tasmania works within the statistical framework that is being used at the national level and is managed by the Commonwealth. The denominator for our vaccination statistics is periodically adjusted as the Australian Immunisation Register (AIR), which identifies the place of residence, is updated.

(4) Cases of COVID-19 are expected to be diagnosed in the Tasmanian community from late 2021 or early 2022. Health and public health systems are prepared to manage cases. Public health and social measures (PHSM) may be used to prevent or respond to increasing COVID-19 transmissions in Tasmania. These measures range from restrictions on high-risk activities, caps on numbers and density of persons in various settings, mask-wearing, to local or wider limits on movement and mixing - lockdowns. Stringent restrictions are expected to be rarely needed in a highly vaccinated society. A decision on public health and social measures required would consider case numbers and population incidence, recent and projected trends, their location, age distribution, severity and other features.

(5) The difference is 22, rather than 12. The hospital preparedness map provides the number of ventilators in hospital settings. The 22 additional ventilators are held by Ambulance Tasmania, not within a hospital setting.

(6) In preparation for 15 December the THS has increased the ICU capacity by 80, to 114 ICU beds statewide. The management of both COVID-19 positive and COVID-19 negative patients requiring admission to ICU in the event of community transmission will be a statewide response. The THS Intensive Care Unit Surge Capacity Plan outlines the actions and duties that will be taken by the Tasmanian critical care network in response to COVID-19. A staged approach tied to the hospital escalation levels in the regional escalation plans maps the implementation of these management strategies to increase ICU capacity as demand increases. Patients will be provided ICU care in the most appropriate location depending on their clinical need and the strategies in place at each escalation level to meet both COVID-19 positive and COVID-19 negative ICU patient demand.

(7) The Commonwealth supply of ventilators is scheduled for delivery this week. Ventilators will require an initial service inspection and test prior to being ready for use. While they are a different make and model from our existing stock, only basic familiarisation training will be required.

MOTION

Select Committee on the Operations of TasWater - Report - Consideration and Noting

Resumed from page 29.

[2.37 p.m]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, as members would be aware, the state Government became a TasWater shareholder in early 2019, with a view to reducing price increases for customers and investing in much-needed capital upgrades. The results of our investment are starting to pay off and we are making a difference to everyday Tasmanians. The Government believes that the operations of TasWater are improving and will continue to do so as it invests unprecedented amounts of money into its ageing infrastructure. It is important to note that as a very minor shareholder, the state Government does not control the operations of TasWater, nor does it have the power to intervene in the day-to-day business operations of TasWater. Rather, the state Government monitors the progress of TasWater's business outcomes.

The Government believes that the outcomes of the select committee are in line with its expectations and confirm Government's opinion that TasWater is on a gradual improvement path. Furthermore, Government believes that many of the reasons for establishing the inquiry were either already resolved, in the process of being resolved or have action plans to address them. On balance, the Government has seen real improvements in TasWater's performance but recognises the need for TasWater to be continually improving.

I will now address some of the key findings in the report and the Government's response. Firstly, to term of reference number 2 - operations in regard to the impact on business required

to comply with trade waste regulations. TasWater has introduced measures to assist business customers to become compliant with its trade waste requirements. There is now a range of financial incentives, options and specialist advice to help businesses become compliant. The Government believes that these issues were of a historical nature and that there is very little evidence of trade waste being a current problem.

Term of reference number 4 - the management of sewage treatment, including the disposal of the treated waste biosolids. Government's understanding is that TasWater dispose of biosolids in accordance with their requirements under the Environmental Management and Pollution Control Act 1994 and the State Policy on Water Quality Management of 1997. Re-use is generally an issue that sits outside TasWater's control.

Term of reference no. 6 - the delivery and timelines of water services to Tasmanian communities.

I am advised that TasWater is in regular dialogue with Pioneer residents to update them on a plan to supply fully treated water to the township in line with previous commitments. TasWater has stated that until the new piped water system is available, residents whose roofs are not suitable for a rainwater catchment are being supplied with tankered treated water. The Government believes that TasWater has acted sensibly with regard to those reforms.

Term of reference no. 7 - the effectiveness of business of operations since the state government became a shareholder in early 2019.

Transitional issues with a Capital Delivery Office (CDO) contributed to underspend through calendar year 2020. While the process to establish the CDO has taken some time, TasWater is now delivering more projects.

TasWater and the CCF are engaging regularly regarding the CCF's concerns about the operations of the CDO. After acknowledging that the CDO has not delivered its capital works program as well as hoped, TasWater has improved the operations of its CDO. The Government is encouraged by TasWater's recent actions which have addressed concerns surrounding the template contract conditions which were considered inequitable and inflexible.

Furthermore, we understand simpler projects are now dealt with in-house under less formal arrangements.

Term of reference no. 9 - any other matters incidental thereto.

The Government acknowledges that while there are multiple ministers with responsibility for TasWater, this is not unique and it does not impact on the effective management of TasWater from a government perspective. I understand that a headworks policy is included in the latest Price and Service Plan, the PSP, which is now before the Economic Regulator and the matter will now be considered in the usual way.

The Government notes the report.

Ms RATTRAY (McIntyre) - Mr President, I place on the record my thanks to the member for Launceston who contributed and I also acknowledge that the Government has made a brief contribution to the report.

I want to pick up on a couple of points that have been made. I understand the tender process quite well. The Leader has stated, and in my contribution I also talked about the fact that TasWater has taken a number of the smaller projects out of the CDO process and put them back under the actual tender letting of TasWater. I believe that will not necessarily completely resolve the issues that have been experienced in the past. I suggest that it is at least a small step forward in gaining back the respect and confidence of those smaller Tasmanian businesses. Again, as I said in my contribution, the industry, large and small businesses, stood shoulder to shoulder when they came and made representation. On that matter, I found it interesting that the Government actually said that they thought that most of the issues that were raised in the establishment of the committee had been resolved. Well, the CCF was not - or the concerns from industry were not even mentioned when we established the committee. So, the fact that this committee was able to provide that vehicle for the CCF and that peak body to come forward I think was something very useful. I know that they had spoken to government as well, so the Government was aware as albeit a minor shareholder, still a shareholder of TasWater. The significant amount of money that goes in each year on behalf of the Tasmanian people is still worthy of them having input into that.

With regard to the trade waste compliance, yes, a reasonable number of small businesses and businesses across the state have been able to comply with trade waste options. Again, we talk about those small businesses that have not been able to fully comply with TasWater's request at this point in time and will still need that support that I talked about in my offering.

Biosolids - I thought it was interesting that it is not something that TasWater has input into, yet through the trade waste process they charge businesses for their waste into the system. In my view, and the view of many, they do have an obligation to make sure that there is an effective use of those biosolids, so I make that point.

In terms of Pioneer and the solution and working for the regular engagement with Pioneer that the Government spoke about, I support the fact that TasWater continues to be engaged with Pioneer. That piped water is not there yet and they do have some issues with the current arrangements that are in place. I know that they do receive some water in cases where there is lead contaminant and they cannot use their tank water for drinking. I expect there is going to be continual engagement with the Pioneer community for some time because it is still a couple of years before they will have their piped water.

With regard to the transitional issues of the CDO, had KPIs been available, the committee could have had a look at where they were tracking in their obligations under their contract arrangements between the CDO and TasWater.

I wrote down here that the Government is encouraged by the changes. If they are rolling out those projects, we are all encouraged because that is going to provide a better level of service to our communities and that is fine but certainly not at any cost. We have to be mindful that the more that those projects cost then the more it is going to cost Tasmanians. I have already talked about the impact of increased costs on any of our Tasmanians, whether it be through rent or just through our own household payments of our water and sewerage demands.

I am encouraged by the headworks and the progress with headworks. I look forward to having some feedback from industry in relation to the progress that has been made with regard to headworks and having some state-consistent approach to headworks and the charges that go with those.

That is my offering. I thank the Government for having what I would consider a fairly brief response but I know that I only put that on the Notice Paper last Tuesday so it is only just a week that the Government has had to put together a response. I would expect that the Government will continue to monitor TasWater and the work that it has undertaken because, as I said, it is a significant contribution to TasWater on behalf of the Tasmanian people who already pay through the demands that TasWater sends out on a quarterly basis to each and every household and business in this state.

Again, thank you members for your time and consideration today and I note the report.

Report considered and noted.

JUSTICES (VALIDATION) BILL 2021 (No. 52)

Second Reading

[2.50 p.m.]

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

That the bill now be read the second time.

In 1988 and 2004, respective governments introduced Tasmania's restraint order and family violence order frameworks under the Justices Act of 1959, and the Family Violence Act of 2004.

It has been a longstanding policy in Tasmania that under these frameworks, an applicant or respondent in the Magistrates Court may apply for a summons to compel a witness to attend court or provide evidence relevant to the proceedings. The Attorney-General and Minister for Justice understands that summonses are issued frequently.

It recently became apparent that the Justices Act 1959 is problematic in its provision of power for justices in the Magistrates Court to issue these summonses, because this power is not specifically provided for. It is a technical issue of statutory interpretation that requires urgent legislative amendment. This is why the minister has acted quickly to introduce this bill. The Justices (Validation) Bill 2021 will amend the Justices Act 1959 to rectify this technical issue at law.

The bill also validates previous summonses and warrants purportedly issued in these proceedings under the Justices Act 1959.

I now turn to the clauses of this bill.

Clause 3 of the bill provides for a validation of summonses and warrants purportedly issued pursuant to section 41 of the Justices Act 1959. The intention of this provision is to validate only those summonses and warrants that would have been validly issued if the justice had the relevant power when they issued them, and lawfully exercised that power.

The validation of warrants is required, as some persons may have been convicted for failing to appear in response to a summons pursuant to section 42 of the Justices Act 1959. Moreover, witnesses may have relied, in good faith, on the summonses when giving or producing otherwise confidential evidence to the court. It is not proposed for clause 3 to be inserted as an amendment in the Justices Act 1959. The Justices Act 1959 is scheduled for repeal upon the commencement of the Magistrates Court (Criminal and General Division) Act 2019.

This act is scheduled to commence in late 2022, upon the completion of the remainder of the related legislation to implement the new Magistrates Court (Criminal and General Division). In other words, if the validation clause was inserted into the Justices Act 1959, it would no longer exist upon the repeal of that bill, and the invalid issue that the clause validated would spring back to life.

Mr President, clauses 5 and 6 of the bill provide justices with the sufficient expressed powers required to issue summonses in restraint orders and family violence order proceedings to overcome the issue that has arisen.

The clauses will amend the general powers of a justice at section 23 of the Justices Act 1959, and the specific powers of a justice to summon a witness at section 41 of the Justices Act 1959. The bill remedies these issues as a matter of priority to ensure that proceedings are not frustrated due to the court's lack of power.

As I mentioned earlier, the Magistrates Court (Criminal and General Division) Act 2019 will repeal the Justices Act 1959. The Magistrates Court (Criminal and General Division) Act 2019 and related legislation provides for a new witness or witnesses and production of documents framework that will replace the existing framework under the Justices Act 1959, and address this recently identified legislative gap.

Given the Magistrates Court (Criminal and General Division) Act 2019 will not commence until late 2022, the legislative amendment to ensure justices have sufficient power to issue summonses - and then warrants if necessary - in restraint order and family violence order proceedings is urgently required.

This is an important bill to rectify this technical issue at law, and I wish to thank the Department of Justice and the Office of Parliamentary Counsel for their work to urgently deliver this bill to the parliament.

Members, I did not schedule a briefing on this particular bill, as it does a simple thing, but if any member during their contribution would ask for a briefing I am happy to do that. We will adjourn the debate and go.

Having said that, I commend the bill to the House.

[2.55 p.m.]

Ms FORREST (Murchison) - Mr President, as we have seen in this place only recently, sometimes these validation bills are necessary to correct oversights that really are no fault of anybody. These things are overlooked and need to be corrected. I accept the reasons for the urgency and the need to move on with this. When I read it last week I thought it does need to be sorted out.

The question I have for the Leader - and I note the Justice Act is going to be repealed once the new Magistrates Court (Criminal and General Division) Act, which we dealt with last year or the year before, commences towards the end of 2022 - is the same failing in that act? Or is it being dealt with in that act? Clearly, it says there is no point amending the Justices Act, because that will be repealed, but I assume the Magistrates Court (Criminal and General Division) Act 2019 does deal with this matter, so that justices and the court have the appropriate power that has been identified as technically being lacking in the current arrangements - hence the need for us to deal with this bill. Could you just clarify, because it would be a shame to find that it is not included.

I also expect that this bill, which I looked at, is a standalone. It is not like an amendment bill that then repeals itself after 18 months or whatever, and is then subsumed into the principal act. This will sit there on statute until it is repealed, as I understand it, but the Justices Act will disappear because it will be repealed.

Is this to persist beyond the repeal of the Justices Act - and, if it is not necessary to, why is it not being repealed - or will you bring in a repeal bill to repeal this one, after the Magistrates Court bill commences? I hope that makes sense.

We are dealing with a technical matter here, but it seems silly to have a statute on our books that is duplicated in the Magistrates Court Act and potentially unnecessary. I absolutely accept that it is necessary between now and when that bill or act is commenced late next year.

[2.58 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - I have some answers here which I will work through and hopefully they will be able to satisfy your questions.

The lack of power to issue witness summonses in these types of application proceedings is resolved in the new Magistrates Court (Criminal and General Division) Act 2019 and related legislation, including the Restraint Orders Act 2019, and changes made to the Family Violence Act 2004 by the Magistrates Court (Criminal and General Division) (Consequential Amendments) 2019.

The new act and related legislation provide for a new witnesses and production of documents framework that will replace the existing framework under the Justices Act 1959, which covers this recently identified legislative issue. Section 11 of the new act provides the justices that constitute the court with the power to determine all applications under the new act or any other act.

Both the Restraint Orders Act 2019 and changes made to the Family Violence Act 2004 by the first consequential act provide a framework that carries forward the Government's policy for witness summonses to be issued in restraint orders and family violence orders proceedings if desired.

Section 23 deals with the new witness attendance notice provisions, giving a much broader power to the courts, district registrar or justice to issue witness summonses, and does not limit that power by reference to the nature of the proceedings. It is anticipated that the new act and related legislation will commence in late 2022. It is important to address the issue now, rather than waiting for the legislation to commence.

The other answer, which may be more direct - the bill has been drafted as a standalone bill due to the validation provisions. Inserting the validation provisions into the Justices Act 1959 would cause issues as it is due to be repealed once the Magistrates Court (Criminal and General Division) Act 2019 commences, currently scheduled for late 2022, as once the Justices Act is repealed the validation provision would be as well and would enable the invalidity that it terminated to spring back to life.

Ms Forrest - That was not the question. No.

Mrs HISCUTT - If the bill was solely an amendment bill, a repeal provision would have been included as a normal practice.

Ms Forrest - Which I said, yes. The next question is if it is covered in the Magistrates Court (Criminal and General Division) Act and this bill does not have a repeal provision, we will have it on the statute unnecessarily, I would suggest, and will it be repealed?

Mrs HISCUTT - This particular bill we are having before us?

Ms Forrest - Yes.

Mrs HISCUTT - I will just seek some advice. This bill will have to remain on the statutes because it is validating past decisions. It has to be there to validate those past decisions.

Ms Forrest - Okay. That is a good answer. Yes.

Bill read the second time.

JUSTICES (VALIDATION) BILL 2021 (No. 52)

In Committee

[3.02 p.m.]

Clauses 1 and 2 agreed to.

Clauses 3 and 4 agreed to.

Clauses 5 and 6 agreed to.

Bill reported without amendment.

OPCAT IMPLEMENTATION BILL 2021 (No. 49)

In Committee

Continued from Thursday 11 November 2021 (page 143).

New Clause A

To follow clause 39:

1. Review of Act

(1) The Minister is to complete a review of the operations of this Act as soon as practicable after the fourth anniversary of the commencement of this section.

(2) The Minister is to cause a report on the outcome of the review under subsection (1) to be tabled in each House of Parliament within 15 sitting days after the review is completed.

Ms LOVELL - Madam Chair, I move -

That the new Clause A be read a second time.

As you will recall, we adjourned debate on this bill late last week. At that stage, I had moved and then withdrew an amendment causing a review. I have since met with the advisers, through the Leader's office. I thank the Leader and advisers for that very helpful meeting, which has led to the tabling of this alternative new clause, which has been read by the Deputy Clerk.

I know the Government has responded in some way, and I am sure they will respond again. I will clarify, for the members' sake, as members were not privy to those conversations that we have had in the meantime. The bill, as it is drafted, does allow for a number of review and reporting mechanisms to take place. In clause 9(1)(j), one of the functions of the NPM is 'to submit proposals and observations concerning existing or draft legislation that relates to detainees or places of detention'. On page 23, clause 19(2) states that:

> If, at any time after providing a report under subsection (1), the Tasmanian national preventive mechanism considers it necessary or appropriate to do so, he or she may table the report in each House of Parliament.

Clause 24 is the clause relating to the annual report, and we had some lengthy debate about it last week. Clause 24(2) states that 'The annual report under this section is to include the following matters' -

Then clause 24(2)(c) states:

> any recommendations for changes in the laws of the State, or for administrative action, that the Tasmanian national preventive mechanism considers should be made as a result of the exercise of his or her functions.

I know that the independence of the NPM is a critical aspect to OPCAT and to this legislation. I am not intending to infringe on that at all, and I do not believe that this proposed new clause does that. However, my concern is that, despite having several options for reviews and reporting to take place at the instigation of the NPM, there is no mechanism for the

parliament to review the operation of the legislation if the NPM does not table a report, or submit advice to the minister, or something in that way, as part of the NPM's functions.

I have sought and received some further advice on the issue of compliance with OPCAT. I understand other members are also in receipt of that advice, but I will read it into *Hansard* to ensure that everyone has seen it. The advice that I have received has come from Steven Caruana who most members will have had correspondence with, or would have been at the briefing we had with Mr Caruana last week, before this debate.

Mr Caruana is the Coordinator of the Australia OPCAT Network which is a coalition of almost 200 non-government organisations, academics, statutory office holders and oversight bodies interested in preventive human rights monitoring under the OPCAT.

Am I able to read his email into *Hansard* at this stage?

Madam CHAIR - If it is relevant to the amendment.

Ms LOVELL - It is.

I have particularly sought advice from Mr Caruana on whether a statutory review is recommended or required, or how other jurisdictions have approached it. This is the advice that he sent to me:

> Hi, Sarah. The UN SPT notes in its analytical assessment tool for national preventive mechanisms at paragraph 5 that the development of national preventive mechanisms should be considered an ongoing obligation, with formal aspects reinforced and working methods refined and improved incrementally.
>
> The UN SPT also notes in its guidelines on national preventive mechanisms at paragraph 15, that the effective operation of the NPM is a continuing obligation. The effectiveness of the NPM should be subject to regular appraisal by both the state and the NPM itself, taking into account the views of the SPT, with a view to it being reinforced and strengthened as and when necessary.
>
> I agree that the bill in its current state will allow for organic review of the NPM to take place through the NPM issuing annual reports and other reports to government with potential recommendations on its legislation being made. These, of course, rely on the NPM itself to identify and raise matters for the government of the day to address, and this respects the independence of the NPM and the guidance above. However, the UN SPT has also noted in its compilation of advice provided by the subcommittee in response to requests from national preventive mechanisms Annexe at paragraph 53 that public subcommittee reports could be considered as a translation into practice of its guidelines on national preventive mechanisms and as interpretations of optional protocol requirements with respect to national preventive mechanisms.

Keeping this in mind, the UN SPT noted in its report on the visit made by the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for the Purpose of Providing Advisory Assistance to the National Preventive Mechanism of the Federal Republic of Germany, at paragraph 38, that the SPT recommends that the federal and state justice authorities and any other relevant institutions engage proactively with the NPM in order to contribute to the elimination of any current or future legal, structural or institutional constraints.

The ongoing obligation or continuing obligation noted in the UN SPT's guidance is, therefore, not only an obligation on the NPM to raise matters which the Government then addresses but also an obligation on the Government to proactively review the NPM legislation with the view of strengthening it.

A statutory review clause, therefore, seeking to ensure that the legislation is consistent with the OPCAT is not at odds with the OPCAT obligations.

I raised this matter with Professor Sir Malcolm Evans who is the former Chair of the UN SPT from 2011 to 2020. I sought advice as to whether a statutory review would impinge on the NPM independence.

His response to me on the 12 November 2021 was as follows:

'Ultimately, it depends on the nature of the review. If it really is to consider whether the NPM is able to fulfil its mandate in an OPCAT-compliant manner, that would be very helpful.

What would not be, is a form of review which could extend considering the need for the NPM or challenging its work rather than supporting it. But a properly-drafted review provision would not, in my view, compromise independence.

Ideally, it should enhance it by making it less beholden to the executive.'

Should the Tasmanian Government really want to comply with its OPCAT obligations then a statutory review clause, so long as it is consistent with the advice above, should be a welcomed addition to the bill as it would demonstrate the Government's appreciation of its obligation for proactive engagement.

King regards, Steven Caruana.

Members, I apologise for the lengthy contribution but this is information that has come to light since the debate last week in our second reading contributions.

I am confident that the drafting of this new clause A is broad enough and focuses specifically on the operation of the act, not the operations of the NPM specifically or its functions, but purely to review the drafting of the bill, whether the bill as it is drafted and when it becomes an act, does allow the NPM to operate as it should in the best interests of Tasmania.

I am confident this has addressed any concerns regarding potential compliance or noncompliance. Rather than only relying on the NPM to instigate reviews or reports through its functions, it would be appropriate for the state to have this one-off opportunity in four years time to review the operation of the act and ensure there are not any amendments required to allow the NPM to function as it should.

I would ask members to support the amendment.

Mrs HISCUTT - I will ask members not to support the amendment. The Government finds this amendment totally unnecessary. In the development of the bill, the department consulted widely through targeted stakeholder and public consultation and engaged with the Commonwealth Ombudsman in his capacity as the NPM coordinator.

It is noted feedback received did not advocate for the inclusion of a statutory review provision in the bill.

In addition to this consultation, the department conducted extensive research into OPCAT, the National Preventive Mechanism framework and surrounding expert literature.

Feedback and research emphasise the importance of creating an NPM-led framework that guaranteed the NPM's independence and encouraged and facilitated ongoing dialogue and feedback between the NPM and government.

The bill already contemplates these matters. OPCAT envisages a process of a continued review, where the NPM is consistently reviewing its operations and the legislation that governs it. It then works with the Government to seek any changes that may need to be made to support its operations. The relationship under OPCAT is intended to be ongoing and supportive in nature and as the bill was being prepared, it was and is considered that a one-off statutory review provision would not be necessary as it would not reflect the ongoing dialogue envisioned by OPCAT. Instead, the bill, as it presently stands, already has a built-in process that guarantees continual review. To see this process, it is important to consider the bill in its entirety.

Our bill already requires the NPM or NPMs produce an annual report each year and provide that to the National Preventative Mechanism Coordinator. The bill stipulates the annual report must include the following matters:

(a) A description of the activities of the Tasmanian national preventive mechanism during that year in relation to the functions of the Tasmanian national preventive mechanism.

(b) An evaluation of the response to of relevant authorities to the recommendations or advice of the Tasmanian national preventive mechanism.

(c) Any recommendations for changes in the laws of the State or for administrative action that the Tasmanian national preventive mechanism considers should be made as a result of the exercise of his or her functions.

This means the NPM will be constantly reviewing Tasmania's legislative framework and will be publishing that nationally and internationally every 12 months.

Further to this, and as said previously, it is expected the subcommittee will review our NPM and provide recommendations both to the NPM and government in its reporting. The NPM and government will also engage with the subcommittee.

Given it is already built into the act, we would strongly question the need to add statutory review provisions. It is unclear they could achieve anything that will not already occur. But, the review would come at not an insignificant cost. They also absorb time and resources of the Department of Justice, the NPM and their staff, which is unnecessary given the other provisions already provided for in the bill.

So, regarding the proactive engagement by the Government with NPM:

> Clause 22 - A person or body may provide to a Tasmanian national preventive mechanism any information that he, she or it considers relevant to the exercise of the functions of the Tasmanian national preventive mechanism.

The bill provides that a minister or relevant authority and others may do so.

Members, you can see there are plenty of mechanisms within the bill for ongoing review and for these reasons, Madam Chair, the Government cannot support these amendments. I urge members to also not support them.

[3.20 p.m.]

Ms WEBB - Mr President, I am broadly supportive of this amendment. I note two very prominent stakeholders involved in the consultations did call for additional parliamentary oversight, which would very much point towards a review that then comes to parliament.

That is one of the differences I picked up on in the Leader's contribution just now, that it is all very well the mechanisms already in the bill provide government with interaction and government with some continual updates, information and insight into improvements and whatnot. That is all well and good and is pleasing to see.

However, government is not the same as parliament and this is a piece of legislation being enacted through our parliament. It is entirely appropriate for us to take responsibility as a parliament and have a review process which then reports back to this place, which is what I believe the proposed amendment is intending with it being tabled.

I certainly do not believe what is already in the bill serves the same purpose as this amendment and there is a clear demonstrated need. In fact, a request has been made from significant stakeholders, I believe, both Tasmanian Institute Law Enforcement Studies and the Tasmania Law Reform Institute are significant stakeholders. Both requested greater parliamentary oversight.

It is also clear to me from this amendment that what is being reviewed is the operation of the act. It is not throwing out questions about whether or not we should have the Tasmanian national preventive mechanism. It is not to do with our compliance. It is simply a matter of parliamentary oversight here at this local level, which I am in support of.

I do have a couple of questions about the amendment for the member who is moving the amendment, just for clarity for myself. One of those relates to in subclause (1) where it says:

- the Minister is to complete a review ...

It does not stipulate an independent review. Is there the intention it be an independent review of some sort, and whether there is a necessity for that to be more explicitly stipulated in the amendment?

The other question I had relates also to subclause 1, where it saysthat it is to occur:

> as soon as practicable after the fourth anniversary of the commencement of this section.

I am not sure about the interpretation of 'as soon as practicable' and in terms of not from the time of assent for the act but this section. Perhaps, the Government can also provide information about this. What is the expectation in terms of the commencement of this section this applies to and how that relates to actually the act, in receiving Royal Assent and coming on board?

Therefore, what I am wondering about is, because this is tied to the section, is there a risk or a possibility it may be delayed, and therefore the fourth anniversary is actually further away than four years from when the act comes on line?

I note in the South Australian proposed act where there is also review built into the legislation, they more specifically in that jurisdiction phrase it as:

> The review and the report must be completed after the fourth, but before the fifth, anniversary of the commencement of this Act.

That is what prompted me to ask the question.

I am checking my notes to make sure I have cleared up all my questions before I take my seat again. I will leave it at that for those questions for the moment. If others occur to me as I listen to further contributions -

Madam CHAIR - Just remember the member has only got two calls left.

Ms WEBB - Others may have contributions to make.

Ms LOVELL - Thank you to the member for Nelson for those questions and your contribution. In answer to the questions, the drafting of the clause was based on taking what had already been passed through the South Australian parliament to address any concerns about compliance and then advice from OPC. That is where that drafting has come from.

In terms of it being an independent review, because it requires the report to be tabled in the parliament, I felt that gave enough oversight of the content and the conduct of that review by the parliament to address concerns about that. Regarding any risk of delay, again, the wording was based on advice from OPC but this section will come into effect at the same time

as the act, so it would not cause any delay with different sections coming into play at different times.

I have made my arguments. The Government has made their arguments. I do not think we need to debate this at too great a length if other members do not have further contributions. The point I wanted to make in wrapping up is essentially what the member for Nelson has said, which is while the reviews and reporting mechanisms provided for in the bill are good - they are good and sound processes - they are not quite the same as what we are talking about here with this review. So, they do allow reporting. They do allow reports to be tabled in parliament if those decisions are made and if that is deemed to be necessary but it does not provide for a one-off broad review of the operation of this bill, as opposed to the operation of legislation relating to detainees and places of detention or the operation of the national preventive mechanism (NPM) itself.

The Government can have a view on whether or not it is necessary. I do not see that it is going to cause any harm at the least and I do think it is appropriate for the state to have an opportunity to review our own legislation and how it is operating.

Mrs HISCUTT - Just by way of clarity in relation to the review time frame, the Government's expectation is that the whole bill would commence at the same time. Honourable members, last pitch, this amendment, while well presented by the member for Rumney, is totally unnecessary and I urge members to please vote against the motion.

Amendment negatived.

Schedule 1 agreed to.

Bill reported without amendment.

HOUSING LAND SUPPLY AMENDMENT BILL 2021 (No. 51)

Second Reading

[3.29 p.m.]

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

That the bill now be read a second time.

The bill makes a number of amendments to the Housing Land Supply Act of 2018. The Housing Land Supply Act was developed following the then premier's Housing Summit in 2018. The introduction of the act was unanimously supported by both Houses of Parliament as a more direct process for rezoning and modifying planning scheme requirements for eligible government land to facilitate housing, particularly for affordable and social housing developments.

The Housing Land Supply Act targets under-utilised or vacant land that is suitable for residential purposes and the provision of social and affordable housing through the making of housing land supply orders. It replaces the standard planning scheme amendment processes

under the Land Use Planning and Approvals Act 1993 and provides shorter time frames for the rezoning of land while still maintaining the same rigorous assessment criteria.

To date, five housing land supply orders have been made under the act for land at Rokeby, West Moonah, Devonport, Newnham and Huntingfield. A total of about 40 hectares has now been rezoned for housing purposes and transferred to the Director of Housing under the Homes Act 1935. This land will deliver approximately 600 new lots for residential development. More draft orders are currently being progressed to further assist with the Director of Housing's works program for providing more affordable and social housing options around our state.

When the Housing Land Supply Act was introduced, there was a strong demand for housing. Across Tasmania we are continuing to see significant rises in the cost of housing, private rental and increased demand for housing in general. The impact of the COVID-19 pandemic has also driven increased demand for housing in our regional areas. The Housing Land Supply Act, in conjunction with the Homes Act 1935, provides an important mechanism for delivering social and affordable housing in Tasmania. In effect, it provides a form of inclusionary zoning through the planning scheme, ensuring that a share of new housing construction is allocated to people in need of housing.

Responding to the continued demand for housing requires action across a number of sectors, including our planning system. The aim of this amendment bill is to make more government land eligible for consideration. The draft bill aims to achieve this in four ways.

First, the amendments expand the scope of eligible government land to include land owned by Tasmania Development and Resources, as well as land obtained by the Director of Housing after the Housing Land Supply Act came into effect. Currently, the Housing Land Supply Act only allows certain government land to be considered for a housing land supply order. This is limited to land that was owned, vested in, or held by the Director of Housing under the Homes Act 1935, or was crown land before the act commenced in 2018. The Housing Land Supply Act was originally intended for surplus government land or land already owned or managed by the Director of Housing.

However, with the number of orders now made, the availability of suitable, eligible government land is becoming limited and more needs to be done to assist with Tasmania's acute housing shortage. Having a broader range of government land eligible for consideration under the act will further assist the Director of Housing's work programs by delivering more land for affordable housing sooner. Land owned by Tasmania Development and Resources, a Tasmanian government entity, was unintentionally excluded from the original Housing Land Supply Act.

While it is government land, it is not technically crown land and could not be considered under the act. Including this land allows previously identified land within the Launceston Technopark in Kingsmeadows, for example, to be considered. In addition, the bill expands the Housing Land Supply Act to include land obtained by the Director of Housing after the act came into effect. This is proposed in response to submissions that requested greater promotion of affordable housing within planning schemes. This change allows the Director of Housing to more strategically identify appropriate opportunities to deliver social and affordable housing development rather than being constrained by existing government-owned sites.

Second, the amendments allow for the consideration of housing land supply orders within the municipality of Flinders. The lack of public transport and reticulated services in the Flinders municipality limits the consideration of orders under the current Housing Land Supply Act criteria. The proposed changes allow for the consideration of land on Flinders Island by removing the need of such land to be proximate to public transport, and creating flexibility in the zone requirements, provided the land can be adequately serviced. These changes will further ensure we can provide for the specific housing and support the needs of the Flinders community given the unique circumstances acknowledged in the Northern Tasmania Regional Land Use Strategy.

Third, the amendments provide a more inclusive consultation process and improve transparency in the decision-making process for proposed housing land supply orders. It is important that the Housing Land Supply Act provides both meaningful and inclusive consultation on proposed housing land supply orders. While the act was approved by both Houses of parliament with a requirement for only targeted consultation with defined 'interested persons', with the experience of operating the act and the expanded scope of eligible land, it is considered that the consultation process for proposed orders should be improved and broadened.

The bill proposes amendments to the current consultation process under the Housing Land Supply Act to require a 28-day public consultation period for all proposed orders processed after this bill comes into effect.

This aligns the consultation process with the normal planning scheme amendment process under the Land Use Planning and Approvals Act 1993, and written notice will still be provided to all defined interested persons announcing the commencement of a public consultation period.

Importantly, the revised consultation processes will not erode the significant time savings afforded by this process and, by ensuring broader input on all future proposed orders, they are expected to increase public confidence in the process.

The amendments also specifically require the minister when consulting on or tabling a proposed order in parliament, to provide a clear statement outlining their opinion on how it satisfies the relevant criteria under the Housing Land Supply Act. The bill also provides a clear process for the minister to follow if it is determined to not progress a proposed order after consultation.

Notice must be given to all interested persons and each person who made a submission on the proposed order. The notice must give reasons why the minister has made this decision, and the minister's reasons, and each submission is made available on the department's website for a period of at least six months. We have listened to the community and made these very important changes to the bill.

Finally, the amendments make the rezoning assessment criteria of the Housing Land Supply Act consistent with those of the Land Use Planning and Approvals Act 1993. Currently, the Housing Land Supply Act requires that the rezoning of land for the housing land supply order be consistent with the regional land use strategy. However, the Land Use Planning and Approvals Act 1993 currently only requires the rezoning of land to be, 'as far as practicable' consistent with the regional land use strategy, which was suggested by the independent

Tasmanian Planning Commission as a more practical requirement for the assessment of planning scheme amendments.

It is unnecessary for the rezoning criterion to differ between the two acts. The bill also adds an additional criterion to require an order to align with the requirements of the Tasmanian Planning Policies when in effect. The Housing Land Supply Act predates the amendment of the Land Use Planning and Approvals Act 1993 which established the framework for the Tasmanian Planning Policies. It is important that the Housing Land Supply Act is now updated.

This bill furthers the purposes of the Housing Land Supply Act and provides further opportunities for delivery social and affordable housing in Tasmania. Importantly, it also improves the current act by providing more inclusive and transparent decision-making processes.

Finally, I acknowledge the comprehensive and invaluable feedback provided on the bill across two consultation periods and from a broad range of stakeholders. This has helped shape the bill and further improve the processes under the Housing Land Supply Act.

I commend the bill to the House

[3.40 p.m.]

Mr VALENTINE (Hobart) - When I read this bill, Mr President, I had some concerns with it. As it stands, it somewhat compromises strategic planning and, in some ways, transparent processes. For instance, I believe there is no recent housing and transport strategy to help guide things when it comes to creating social or affordable housing. Social or affordable housing is not defined in the principal act nor is it defined in this bill, as far as I can see. It may take some time to work up such definitions as to exactly what 'social and affordable' means, especially in the present climate.

I know that our recent Greater Hobart Traffic Congestion Inquiry points to the necessity of looking holistically when considering solutions to traffic management including things like the provision of housing and in a sense, this is no different.

For the sake of both the local and broader community we really cannot afford to develop in an ad hoc manner, and I suggest most people agree that we need to approach things strategically. While there is direction in the bill at clause 6 for such rezoning to be consistent with the regional land use strategy, it is not mandated. It says: 'as far as practicable'. It is not a comforting statement in many ways; it is a bit overt and signals an intention perhaps to bypass the land use strategy if they get in the way, as I see it.

The regional land use strategies are subservient to the State Planning Provisions anyway, so one would have to ask what the reason is to be restating it here; because due process has been bypassed. It is to make sure that the land use strategies get consulted, or at least play a part - I can understand that. It does point up that we are going outside due process, and that is a concern.

As the Leader read out to us in the second reading speech, the zoning also needs to be consistent with the state planning policies. That is inserted into the principal act by this bill at clause 6(a)(a)(i). Planning policies do not exist at this point. Such a statement is obviously safeguarding the direction the Government seems to be taking with the loosening up of the

planning system, and also indicates due process has been bypassed. Bypassing due process means that someone has to be missing out somewhere along the line and in this case, Mr President, I believe it is the community.

What would normally happen is that somebody would approach a council with what used to be called a section 43A, which is a rezoning application, along with a development application. Someone might want to develop a block of flats or whatever on an area of land which is not zoned correctly for that purpose; so, they approach the council - this is under an interim planning scheme or a different section under the new statewide planning scheme - but it is the same process that effectively allows a rezoning and a development application to be applied for together.

Under the present system, councils receive the application and obtain offers of advice on its merits. You are dealing with a council that has its strategic views and plans as to how it wants to see its city or town or whatever developed. This is the people talking in their strategies. They can reject it, or consider it on its merits.

If it has merit, it is advertised for public submissions for a period of 28 days. I note that the bill introduces 28 days of advertising and that is an improvement. I have to say that up-front. It is advertised for public submissions for a period of 28 days. The submissions are then summarised, and recommended or not, by professional officers for the consideration of council. The elected members - those put in place by the people to actually keep an eye on these things - form an opinion as to the merits of the proposal, having considered the varying issues addressed by the officers. That opinion - and it is not a decision - that opinion is then sent to the Planning Commission, which then basically approves or otherwise the development.

That is the process at the moment. At each point, the public has an input and a say, and professional planners are applying their minds to this, according to the strategic directions that the council might have, and at the end of the day, the commission also does the same. It is rigorous. There is no question about that. Now, the commission makes a decision, and that decision can be appealed by the council or a representor, but only on a point of law - on a technicality, if you like. The way the decision was made, on some aspects of the decision - not necessarily on the merits or otherwise of the case, if I can put it that way.

This bill basically cuts that process down. While it allows comments for 28 days - and as I said, that is an improvement to the 14 days - their elected people have no more interaction than any other person in the street. I may stand corrected on that, but I do not believe they do under the system that is being introduced here.

The commission is not involved. However, parliament is - and in that sense, parliament is replacing the professional planning commission. While disallowable in parliament, planning is, of necessity, an important process in the scheme of things, avoiding the circumstance where developments may overtly impact on those around them and the community in general.

With regard to the strategic issues, while the regional land use strategies are to be reviewed - and we know that will happen - this act will be around long after the land-use strategies have been reviewed. It is already the case that they are subservient to the State Planning Provisions, and that is reflected in this bill. However, one might question the need to overtly state it when it is already the case, as I said before. If we keep cutting away at any so-called 'roadblocks', the planning system of this state will eventually be so restructured as to

be ineffective. Is that what the community wants? I do not think the community does want that.

Mrs Hiscutt - Through you, Mr President, I think the community wants more houses to live in.

Mr VALENTINE - They do, but not at any cost. Not at any cost do they want that.

To the issue of which land will be subject to rezoning, the principal act allows public land acquired prior to the commencement of the act to be rezoned and used for social and affordable housing, basically. As I say, those terms are not defined, but that is the purpose of it, otherwise why have the act, the housing land supply bill?

This housing land supply bill extends that to land vested in the Director of Housing. As the second reading speech indicates, it means, I believe, that any land that may have been acquired by the Director of Housing, after the principal act commenced, could be available for rezoning, basically regardless of when it was purchased.

I believe the community are not fully aware of this fact. I really do not think they are. Just to emphasise, if this bill passes, any new acquisitions that are to become housing supply land can be the subject of an application for a rezoning application to get around the present rezoning process under LUPA. Correct me if I am wrong. but that is the way it looks to me. Basically, due process is being avoided in preference for a vote in parliament, as the housing supply order is a disallowable instrument. It means parliament is basically replacing the Planning Commission, as I said before.

While I do not like the introduction of such mechanisms, given the way developments could impact the community, I had an amendment drafted to limit the rezoning of housing supply land to that owned at the promulgation of the principal act, by removing subclause (a) in clause 5 on page 5. I ask that this amendment be circulated.

It is a very simple amendment. It basically just says clause 5, page 5, paragraph (a) - leave out the paragraph.

So, it is basically taking out clause 5(a) on page 5 of the bill.

I believe the mechanisms introduced by the bill into the principal act introduce a level of uncertainty for people who may possibly be making the largest investment of their lives in the purchase or construction of their home, next to land that might be zoned anything but housing land - only to find down the track that Housing buys that land and then does a rezoning, through these mechanisms provided for in this bill, without their local council being intricately involved.

Yes, the council can put in a submission during the 28-day period, but they do not get a chance to canvass their whole community and get submissions back in that time frame. They cannot. The reason the bill is being introduced is because they want to reduce the time frame - but as I say, at what cost? No-one likes surprises. They do not, and I think this creates significant surprises.

While I am moving that amendment, I might not vote for the whole bill, to be honest. I want to be upfront with that, because I do believe more thinking needs to be done. All housing land supply orders should be consistent with the Residential Development Strategy, for instance. That is a strategy that was developed by the then state architect - Peter Poulet, if I am not mistaken - and it is a role that we sorely need for these very reasons, in my opinion.

That particular strategy was delivered in consultation with representatives of the minister for human services, Housing Tasmania, the Tasmanian Planning Commission, the Property Council of Tasmania, the Master Builders Association, Housing Industry Association and others. A lot of big players in the scene, in consultation, helped to deliver that Residential Development Strategy.

It was recently cited in the September 2020 Design Policy for Social Housing by Communities Tasmania. Obviously, the Government thinks it has merit, otherwise they would not have cited it there. It was developed to make sure the Tasmanian Government subsidised social and affordable housing developments, and did not repeat the mistakes of the past where disadvantage was entrenched by high density suburban fringe developments. We all know where those developments are.

It is wondered whether this development is consistent with the Residential Development Strategy's Liveability Development Principles, which we know are especially critical for the success of social and affordable housing proposals.

Land use strategies - which are supposed to be statutory documents that provide distinct strictures for broader development decisions to obey - are being gradually, what I would call, 'written down'. We are seeing it here being restated, as it is already the case that they are subservient to the Tasmanian State Planning Provisions. We know that. It is already stated. If you go to the land use strategy document you will see on the inside of that where it actually states those sorts of things. If there is a conflict between the two, then the State Planning Provisions override.

It is, gradually, cutting down the planning process. Why put all the effort in? I have got a little bit of a stake in land use strategies because I was involved with the development of the Southern Tasmania Regional Land Use Strategy as the chair of that committee. There was a big process that Government had us all go through. A lot of effort. A lot of time on the ground working out where development corridors should and should not be. Housing corridors, where they should and should not be. There is a lot of things.

I will just read you the headings out of the land use strategy, so you understand how complex this document is.

The vision and strategic directions. It talks about the strategic framework, the vision, the planning principles, the strategic directions, the regional policies, biodiversity and geodiversity, water resources, the coast, managing risks and hazards, cultural values, recreation and open space, social infrastructure, physical infrastructure, land use and transport integration, tourism, strategic economic opportunities, productive resources, industrial activities, activity centres, settlement and residential development.

They are not light documents. They took an age to put together. There was a lot of effort. Lot of hours on the ground to put together these documents and there is one for each region.

They are statutory documents under the planning scheme. We see them continually being subverted by other things.

We want good healthy livable cities. We want housing environments to be places where people want to be, rather than feel they have no other option to be, we need to follow documents like that. It is in the bill that they do, but it is only so far as it does not conflict with the planning principles.

I have said enough and given you my concerns. People need a little security knowing if they are going to buy houses and land with the purpose of developing their home, which is possibly the biggest dollar investment they are ever going to make, and they are doing this next door to a vacant block with zoning which is anything but housing land, they think they are going to have the lifestyle they want. Then just a flick of a pen away, Housing come along, buy it, go through a less rigorous process than currently exists under the planning system, and it simply gets down to a disallowable instrument in this parliament where non-professional planners are involved, and that is you and I.

I ask you to think about this. I would like to think the Government might take this bill back and do a little bit more homework, improve and consult properly on it, rather than pass this as it is. I do not know how any of you feel and I will listen intently, but I will be moving that if it gets through the second reading.

[3.59 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the member for Hobart for his words which I hope the Government have carefully listened to.

The bill targets under-utilised or vacant land suitable for residential purposes and the provision of social and affordable housing for the making of housing land supply orders. There is, evidently, a significant need for a greater amount of affordable housing and a clear demand from the community for its supply.

I want to ensure, however, the powers granted by this bill will achieve these objectives are reasonable in the circumstances and proportionate to the needs the legislation seeks to address. The demand for housing of all kinds in Tasmania has risen and risen, not just for buyers, but for renters and those renters who are in extenuating circumstances. There are obviously high barriers to overcome and I am sure we have all had constituents in our offices that have had great difficulty in accessing homes and particularly affordable homes.

The delivery of social and affordable housing in Tasmania is therefore an important need which should be addressed and I agree with that. The Housing Land Supply Bill is one of many levers which can be adjusted to better ensure people looking for somewhere to live have reasonable options available to them.

The Leader spoke about how this bill will achieve these objectives in four ways and I want to touch on some of those briefly. The first is the amendments expand the scope of eligible government land to include land owned by Tasmania Development and Resources, as well as land obtained after the Housing Land Supply Act came into effect. I agree with the member for Hobart in this case. There are many areas of land, and I can remember from my time on council that we had kindergartens no longer used as kindergartens. Land was transferred across

to Housing Tasmania. There were areas of land, but at least they went with a council planning process. That is a real concern I have.

Having listened to the member for Hobart and having been on council, we probably have an understanding of planning, having dealt with planning over a number of years and listened to planners and people in the community that come to you with their concerns. Sometimes, their concerns are listened to and sometimes the concerns are not. At least due process is covered. In this bill due process and councils are bypassed. I can recall another time that happened.

Mr Valentine - Their influence is reduced.

Ms ARMITAGE - Absolutely. There was another time it happened and I am trying to remember the right words. It was when the federal government had a certain amount of money they were providing. It was an incentive at one stage and councils were bypassed then too.

Ms Forrest - That was a GFC response?

Ms ARMITAGE - It possibly was, but I can recall having been on council and council did not have a say in the development. We have councils for a very good reason. They are in touch with the community, probably one removed or one closer than parliament is.

I will support the member for Hobart's amendment should this bill get through the second reading. I, like him, will hope the Government does go back and do a little more work on it. I will say a bit further on at least one of the changes that needs to be made.

I would emphasise in obtaining suitable land for the purpose of developing social and affordable housing, appropriate measures for those in the vicinity should have the opportunity to have their input considered. This brings me to the consultation process contained in the bill. The Leader has mentioned these amendments provide a more inclusive consultation process and improved transparency in the decision-making process for proposed housing land supply orders. It does this by mandating a 28-day public consultation period for all proposed orders and broadening the scope of consultation processes by moving beyond just those which could be considered interested persons. In my personal opinion, you could make that a year consultation, but if those giving their evidence or providing that consultation are not listened too, it does not matter whether it is 14 days or 28 days. From my experience on council it is often not listened to.

I do not know that people giving their opinions when this does not have to go to elected members, whether it be nine members or 12 members or 10 members of a local council to make the decision, when they were already bypassed - it does not matter how long they have to consult because I do not believe anyone is going to take any notice of their opinion. They might list it down. It is the experience I have had.

Mr Valentine - Becomes the voice of an individual, not of the council.

Ms ARMITAGE - Yes. There are positive developments, and it is necessary in the circumstances, given the expanded powers this bill provides to obtain and develop land for housing. I further note the amendments make the rezoning assessment criteria of the Housing Land Supply Act consistent with those of the Land Use Planning and Approvals Act 1993, or

LUPAA for short. The current Housing Land Supply Act requires that the rezoning of land for a housing supply order be consistent with the regional land use strategy, whereas LUPAA only requires the rezoning of land to be, as far as practicable, consistent with the regional land use strategy.

This is obviously a lower threshold to be met and I want to make sure that the enhanced consultation and transparency measures in the bill actually provide meaningful avenues of review for the community when there might be resistance to proposed developments. One that was mentioned was Technopark and I know there has been concern with residents in the past that there could almost be broadacre. I think when I asked the question it was - I am sure the Leader can tell me, I might just get you to tell me, Leader - how many houses were proposed for Technopark? I am quite sure it was a significant number when I asked previously in the briefing.

Another area that I am quite sure would get a lot of resistance from the community, if it was to be taken over by Housing Tasmania, is the land behind the South Launceston Football Club. I believe that is government land, not necessarily Housing Tasmania land, but I am sure that is as simple as a transfer, because they would like to see more green space and more fields and I think that is equally as important. We need areas of green space and we need fields, football fields, soccer fields, hockey fields for people to be able to get fit and to play.

We cannot have housing everywhere. We do need green areas and I recall having been on the council at the time, that council would sell off sometimes a park that they felt was under-utilised. The community might not have felt it was under-utilised, but it would be disappointing if parks all of a sudden were disappearing too and housing going up. As much as we need housing, we also need parks for those children to play and it needs to be very carefully considered. Hence, my concern that planning is very important to an area, and that is where local councils come in. As has been mentioned by the previous speaker, local councils have an idea of what they want in their area.

Further to the issue of rezoning, correspondence from Planning Matters Alliance Tasmania, or PMAT, has made some suggestions and one of these is that the legislation governing housing land supply orders set up a size limit of the land which can be rezoned under the act. Any rezoning of land above this limit should go through the standard planning scheme amendment process.

I have not moved an amendment because I have no idea of what size it should be. It would be great for the Government to take the bill back and look at it more carefully. I am not a planner. I have dealt with planning, as have other members in this House, who have been through local council. It is something that we did as a matter of course and when we first got onto council we had absolutely no idea about planning, but after eight or nine years you generally got the understanding and you were working with planners all the time. I do not know what that should or should not be, so I am certainly not going to move an amendment, but I would love to see the Government decide to take the bill back. I think it is highly unlikely that they will and hence for that reason I may not support the bill.

Further, PMAT has said:

> As the parliament has the final say as to whether a land supply order can be approved or not, the community has to spend a huge amount of time and energy advocating for strategic planning. Once the order is passed by

> parliament there is no further consultation on the zoning, which is the most important stage. At the development application, DA stage, the zoning cannot be changed. At the DA stage, public input may be very limited.

This to me undermines the notion that this bill provides more inclusive consultation processes and improved transparency. How can a mandatory 28-day consultation period be of much benefit when the DA stage follows the zoning consultation stage? There is the additional argument to be made here that local councils themselves have little power to challenge land supply orders when they are issued.

I do not believe that parliament should take the place of councils and planning and I do have concerns about the bill as it stands and I certainly will be supporting the member for Hobart's amendment should the bill go into Committee stage.

[4.09 p.m.]

Ms PALMER (Rosevears) - Mr President, housing is a complicated issue that flows across many portfolios and many sectors, each of which must do their bit. The Housing Land Supply Act is one way in which the planning system is making a contribution towards the provision of housing.

Since the Housing Land Supply Act commenced in 2018, it has proven effective in providing a more direct and efficient process for the rezoning of suitable government land for residential development to facilitate the provision of social and affordable housing. Already, five housing land supply orders have been progressed, providing over 40 hectares of land for residential development, creating the potential for approximately 600 new housing lots.

While the Housing Land Supply Act has been effective it does have its limitations and it has been subject to criticism. This amendment bill addresses those limitations and responds to those criticisms. These amendments make a good bill better.

Currently, housing land supply orders may only be made in relation to certain areas of surplus crown land and Housing Tasmania land that was such before the commencement of the act. It does not apply to other government-owned land which is not technically crown land such as the Launceston Technopark, nor land obtained by Housing Tasmania after the act came into effect. This bill addresses these issues and if passed, will allow for the making of orders to be considered for:

(1) Other government-owned land, such as Launceston Technopark;

(2) Suitable land on Flinders Island;

(3) Land obtained by the Director of Housing since the act came into force.

This will mean that the director is not limited to randomly scattered areas of surplus crown land but can plan strategically to identify appropriate sites for residential use within a broader context, such as in accordance with the regional land use strategy or a local settlement and structure plan. This is a good thing.

The underlying principles of this act are on delivering good planning outcomes. All the eligibility criteria are based on determining the appropriateness of a piece of land for residential development and, in fact, the tests in this act are much more rigorous than for a standard

rezoning. There is no reason to apply an arbitrary limit on the size of land that can be rezoned through this process. Either the land is appropriate for residential development or it is not. The scale is irrelevant.

It is important to remember that this process only allows for the rezoning of land. The specifics of the development such as the subdivision layout, the size and typology of housing are still subject to assessment by the relevant council as the planning authority. Similarly, there is no reason to require that the act prescribe a minimum percentage of affordable housing. Any arbitrary percentage would not only fetter the obligations and discretions of the Director of Housing under the Homes Act but ignores the contextual considerations that currently go into every Housing Tasmania development, such as the size of land, the overall social housing density within a given area or suburb and the type of accommodation that is planned. Such a blunt instrument could also deliver perverse outcomes and false expectations where a prescribed minimum figure is perceived or interpreted as an absolute.

The amendments also address concerns expressed in regard to the consultation on previous housing land supply orders and by stakeholders during consultation of the draft bill. These amendments provide for a broader consultation process with regard to draft orders while maintaining the same rigorous assessment criteria for determining the suitability of the land for residential development.

Not only do the amendments provide 28 days of broad public consultation on a draft order - the same as for a standard draft planning scheme amendment - but the current targeted notification with interested persons is retained. This broadening of consultation will not erode the efficiencies afforded by this process but they will provide greater transparency and increase public confidence in the process.

Finally, the amendment makes the rezoning assessment criteria of the Housing Land Supply Act consistent with those under the Land Use Planning and Approvals Act. I think it is important that, wherever possible, all our planning processes are subject to the same rules and requirements.

These amendments will improve the process for developing new housing land supply orders. They will allow the Director of Housing to adopt a more strategic approach to the identification of housing opportunities and they demonstrate the Government's commitment to building more houses for Tasmanians than ever before. I support these amendments as drafted and I encourage all other members to support them as well.

[4.15 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I am unsure about which way to go with this. I hear what the member for Hobart and the member for Launceston say, but I also have an electorate office where we have regular contact with our community to say, 'Do you have any idea where I can get a house in our community for somebody to live in?' I know that this is the Government's response, or part of, the Government response to the lack of housing opportunities for our communities. To name up the Flinders Island community certainly resonates with me. I understand why the island community has been named up, because if you are going to have a housing subdivision on Flinders Island, that has to comply with proximity to public transport - there is one taxi on the island - and also, around the flexibility of zone requirements that are adequately serviced. Obviously, the island cannot meet those requirements and so that is why we have this particular initiative in this amendment bill.

I also understand the points raised by members when it comes to the planning process, because it is complex and it is certainly emotional, and sometimes - no matter what we do as elected members - it will not suit everybody. I will share a little story. Recently a local council decided that a piece of land in a former subdivision was not getting the public use that was set out for it; it was public open space. The council put in a notice in the local paper to say that they intended to sell that particular piece of land. I know it would have interrupted a significant amount of water views for a building on that piece of land, should it have been sold. The whole subdivision was built around the public open space and they all had what you might consider a nice view. Of course, there was immediate pushback from the residents around that piece of public open space saying that this was designated as public open space when the subdivision was developed, and it should stay as public open space. The council decided they did not want to have to maintain that public open space. They were happy to have it designated back in the 80s but no longer wanted the responsibility, and thought they would sell it because there is a pretty good dollar in every piece of land in Tasmania at this point in time. The pushback came and the council back-pedalled a little bit; I expect that it probably will not be forever. The point was made to all of those residents, you do not own your view. You do not know who your neighbour is going to be at any given time. It might not necessarily be someone you particularly like or you know yet; but you do not own a view and you do not know who your neighbour is going to be.

To say that you do not particularly want this particular housing or you do not want that particular housing next to you or beside you or across the road from you - you might not always stay there, you might move on. It is difficult to say, 'Well, we need to have more public input into this'. I appreciate there is an opportunity to have input through this process, and that was clearly outlined in the fact sheet and in the second reading speech. It will require public consultation for 28 days, and people will be able to put forward their concerns. And, there may well be some aspects of the development process that puts some regulations or requirements around that. They may well have to be larger blocks to allow a bit more space between houses. There are all sorts of requirements that are put onto developments to meet community expectations.

I am not entirely sure how to proceed with this one. I am also very interested in hearing from other members how they see this Housing Land Supply Amendment Bill affecting their communities. The Government has been requested by the community to come up with some more housing opportunities and options. I have even put that out there myself. I have stood at this lectern and said, Government needs to look at more opportunity for housing, for our community in this state. Certainly, with the reference to the Flinders community, I know how difficult it is to find housing on the island and particularly housing for those living with a disability. That is a real challenge, because they have to be purpose-built and they also need to be as close as they can be to the few local services that are available on the island, particularly in Whitemark, for instance. They need to be as close as they can to the Multi-purpose Centre (MPC), which has most of the visiting services that come to the island. It is also where the shop and the post office are; and the pub as well, because that is a social outing for a lot of people. No pokies on Flinders; they used to have half a dozen down at the club but they are long gone; but we will get to that at a later time.

I am interested in hearing how this might affect other members' electorates. At this point in time, I feel somewhat inclined to support it as I feel confident, given that there is the public consultation of 28 days around those housing land supply orders. I looked at the wording in the bill about the inclusion of intended zones in housing land supply orders, and it talks about

'the Minister is satisfied that to assign the intended zone to the area of land or part … would be consistent with the State Policies and … would be, as far as practicable, consistent with the regional land use strategy in relation to the area of land or part'. Although, we know there are not a lot of those State Policies.

I consider there is an intention that it be consistent with the regional land use strategy. That gives me some comfort that there would not be inappropriate housing developments where we would expect our communities to say, that is where I want to live and that is where I want to make my home. We have to be mindful that not everyone is as fortunate as some to be able to choose exactly where they live at any given time.

I am somewhat conflicted here today, but I also understand the need for this amendment bill.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have quite a few answers and comments to work my way through. I will start with the member for Hobart, and talking about the definition of social and affordable housing.

The member is correct. There is no definition of social or affordable housing. This is exactly why the current Housing Land Supply Act invests the land within the Director of Housing under the Homes Act of 1935. It is the director's role to deliver housing for those in need. It is required under the Homes Act.

Using the Homes Act process means we do not need to define what social or affordable housing actually is.

Mr Valentine - It is just they are often conflated.

Mrs HISCUTT - The act has a sunset clause that expires in 2023, which is not that far off. Members should note that.

Comments on process are as it is now, under the principal act. So that is the same. This amendment bill does not change that process in any way except to increase the consultation to 28 days and improve transparency and decision-making.

Mr Valentine - And increase the land that can be applied.

Mrs HISCUTT - We talked about ensuring proper strategic planning. How does bypassing the council and the commission deliver better strategic planning?

The assessment criteria under the Housing Land Supply Act delivers the same strategic planning outcomes already embedded in the Tasmanian planning system. It is already there.

This is because the assessment criteria is the same as the normal rezoning process under the Land Use Planning and Approvals Act of 1993, which delivers the strategic planning outcomes embedded in the objectives of the resource management and planning system.

The state policy is under the State Policies and Projects Act of 1993, the three regional land use strategies and future Tasmanian planning policies.

Mr Valentine - The commission is not doing that though.

Mrs HISCUTT - I will finish all the answers then I will see if we can fit something in.

The Housing Land Supply Act just provides a more direct process for the Director of Housing to deliver housing outcomes. The Housing Land Supply Act actually goes further and establishes specific criteria to ensure the land is suitable for social and affordable housing outcomes. That includes the suitability of the land for residential use and its proximity to public and commercial services, public transport and employment opportunities.

The use and development of the land for residential purposes would not be significantly restricted by requirements that apply through any codes under the relevant planning scheme, for example, heritage, environmental, natural hazards, or scenic issues. Also, it would minimise land use conflicts and enable the land to be developed at an appropriate density.

We also talk about the regional land use strategy 'as far as practicable'. The proposed assessment criteria for determining consistency with a regional land use strategy are aligned with the assessment criteria for the normal rezoning process under the Land Use Planning and Approvals Act 1993.

It is reasonable to have consistent criteria across the two assessment processes. The 'as far as practicable' test currently in the Land Use Planning and Approvals Act was actually requested by the independent Tasmanian Planning Commission, as a better test for determining consistency with regional land use strategies.

This test acknowledges the strategy outlines the broad regional planning strategies and policies without delving into detailed zoning requirements for individual parcels of land.

There are also a range of policies and strategies that need to be weighed up when determining the suitability of a proposal. The assessment criteria provide the ability to make appropriate professional planning judgment on the suitability of land for residential purposes in the same way the independent Tasmanian Planning Commission has, for many years, in determining the suitability of rezoning proposals under the normal process.

Mr Valentine - If it is so much the same, why are we needing it? That is the point.

Mrs HISCUTT - That is explained in the second reading speech, but I will move on.

Mr Valentine - If that system already exists, why bypass it?

Mrs HISCUTT - It was explained in the second reading speech, but I will move on. Not any land acquired by the Director of Housing can be considered under this process, only land that satisfies the criteria in the principal act can be considered. This one speaks specifically to your proposed amendment, as you mention it in your second reading speech.

At the time of introducing the Housing Land Supply Act, there was strong demand for housing in Tasmania and members, we know there is still strong demand for housing. This demand has been further amplified in recent times with significant house and rental price rises and increased demand for housing in general. The impacts of the COVID-19 pandemic have also driven demand for housing in regional areas of Australia outside of the major mainland cities. Opening up the land that is eligible under the Housing Land Supply Act will allow the Director of Housing to adopt a more strategic approach to the provision of housing. Rather

than being restricted to existing government land, the director will be able to identify new opportunities for housing in areas that are suitable for residential development, but which have not yet been zoned for that use. The Housing Land Supply Act already sets requirements on the location of land, which directs the housing land supply orders into locations with good access to employment business services and public transport.

What we want to do is allow the director to identify appropriate sites and provide the same efficient process for rezoning that currently applies to land owned by the government prior to the act coming into effect. At this time when housing stress is increasing, we want to do as much as we can to provide housing, so this is what this bill is to try and assist with. We talk about the assessment criteria. Why is the 2013 Residential Development Strategy not part of the assessment criteria under the Housing Land Supply Act? The Residential Development Strategy, prepared in 2013 by the then office of the state architect for the then minister for human services, relates more to detailed design of the residential developments which is beyond the scope of the Housing Land Supply Act, being largely limited to the rezoning of land.

The relevant considerations from the Residential Development Strategy for suitably locating housing are already embodied in the assessment criteria in the Housing Land Supply Act and that includes consideration of proximity to public and commercial services, public transport and employment opportunities and the assessment required against the relevant land use strategy - the regional land use strategy. It is noted the Department of Communities Tasmania's current design policy for social housing incorporates the design principles from the Residential Development Strategy in addition to the Liveable Housing Design Guidelines and the Victorian universal design and sustainability guidelines. This ensures all new social housing is appropriately designed, if delivered through the Housing Land Supply Act.

We talked about consultation. Public consultation on the draft bill was opened for five weeks from 28 July 2021 to 1 September 2021. This was supported by an information package to assist people to clearly understand the draft bill and its intended purposes and included a consultation report responding to issues raised in the initial 12-week targeted consultation on an earlier version of the draft bill. The initial targeted consultation involved writing directly to more than 70 stakeholders, so it has been widely consulted with - 70 stakeholder groups who are normally involved in the planning system, state agencies and authorities, including local councils, industry groups and environmental and community groups, including PMAT, the EDO and the Tasmanian Conservation Trust. The Hobart City Council did not comment on the draft bill and they were asked twice to give comment, and they did not comment both times.

Ms Forrest - They are missing the member for Hobart.

Mrs HISCUTT - So we move to the member for Launceston, who talks about how the process only provides for the rezoning of land. Any subsequent development application will be subject to standard assessment by the relevant council.

So, the council has the last say. Again, most comments go to the principal act, so I would like to note that most of your comments went to the principal act. There is no set proposal for the Technopark as yet, as it has not gone through this process. Potentially it could deliver 60-80 lots.

The size limits for land. The size of the land is not a relevant consideration for determining the suitability of the land for residential purposes. The Housing Land Supply Act already applies rigorous tests for determining the suitability of the land for residential purposes. These tests are more onerous than the normal rezoning process under the Land Use Planning and Approvals Act 1993.

Setting an arbitrary limit on the land size that may be considered under the Housing Land Supply Act is inconsistent with the underlying principles of the act, which focus on delivering good planning outcomes. It also potentially constrains the delivery of social and affordable housing by the Director of Housing, which is at odds with the purpose of the bill.

I have just presented a range of reasons why I urge you to move forward with this bill, and we will discuss the amendment through the Committee stage.

Mr PRESIDENT - The question is that the bill be now read the second time.

The Council divided -

AYES 11	**NOES 3**
Mr Duigan	Ms Armitage (Teller)
Ms Forrest	Mr Valentine
Mr Gaffney	Ms Webb
Mrs Hiscutt	
Ms Howlett	
Ms Lovell	
Ms Palmer (Teller)	
Ms Rattray	
Dr Seidel	
Ms Siejka	
Mr Willie	

Motion agreed to.

Bill read the second time.

HOUSING LAND SUPPLY AMENDMENT BILL 2021 (No. 51)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 agreed to.

Clause 5 -
Section 5 amended (Land that may be declared to be housing supply land)

Mr VALENTINE - Madam Chair, I move the following amendment to this clause -

Page 5, paragraph (a)

Leave out the paragraph.

Quite clearly, this enables land to be purchased after the promulgation of the act, and that is my main concern. I do not have an issue so much with the land that is already there under the Homes Act, but with the insecurity that is provided by this bill in allowing any land that may be considered good enough for housing land to be purchased and then rezoned, regardless of what that zoning is at the moment, and used accordingly, without going through the due process.

I do not have an issue if the due process is followed. You might say, well, it is the same process. We have made it the same process by putting in all of those strictures about the planning provisions, the land use strategies and those sorts of things; well, if it so much the same, why can it not simply go through the process where councils are involved, advertising to their communities, communities put in their submissions, the council makes a judgment on it, sends it through or not, depending on whatever the case may be? Quite clearly, if that means land can simply be purchased after the promulgation of the principal act, that is a concern. That is why I moved this amendment, so that it cannot happen. It can only apply to land that is presently available under the Homes Act land, not after the day.

Ms ARMITAGE - I support the amendment and I would hope members do. It does not mean this land cannot be purchased by Housing Tasmania for housing. It can still be purchased but it puts that extra layer of transparency, that extra land in areas. As was mentioned by the member for Hobart in his contribution, if there is a tract of land that is not already owned by the Director of Housing for housing, they can still purchase it. There is not an issue, they can still go through the strategic planning and purchase. It would go through the council process. I do not see that it makes a lot of difference; it just gives a little bit of certainty.

I believe, from the experiences I have had, that it would give a little more consultation for residents, people in the community, to have their say, that their elected members around the council table - it may not make a difference, it may likely still go through. But it gives people that extra option and it goes to the council table for elected members to have their say. It still has to go to LUPAA, it could still go to appeal and be overturned, regardless of the decision council makes. It gives that little bit of transparency and due process for land not already owned by the Director of Housing.

Mrs HISCUTT This amendment will gut the bill. Opening up the land that is eligible under the Housing Land Supply Act will allow the Director of Housing to adopt a more strategic approach to the provision of housing. Rather than being restricted to existing government land, the director will be able to identify new opportunities for housing in areas that are suitable for residential development but which have not yet been zoned for that use.

The Housing Land Supply Act already sets requirements on the location of land, which directs the housing land supply orders into locations with good access to employment, business services and public transport. We have said that many times. Not just any land can be considered for rezoning. For example, land at Dodges Ferry could not be rezoned under the Housing Land Supply Act as it does not have reticulated water or sewers and is not proximate to employment opportunities and important services. More importantly, the Housing Land Supply Act practically guarantees that social and affordable housing outcomes will be delivered.

This is not something that is achieved through the normal rezoning processes. The declaration of a housing land supply order vests the land with the Director of Housing to deliver

housing outcomes under the Homes Act 1935. Under section 6B of the Homes Act the Director of Housing must encourage and enable the integration into existing and new housing communities, persons with diverse characteristics and diverse financial, social and personal circumstances. Hence, what the member for Hobart was talking about before just does not happen anymore. At this time when housing stress is increasing we want to do as much as we can to provide housing and unlike some private developers, the director will not be sitting on this rezoned land.

There will be no land banking here. The land will be developed and houses will be built as quickly as possible. Members, I urge you not to support this amendment because it will virtually render the bill unusable.

Ms RATTRAY - A couple of questions to the Leader in regard to the land, and in the fact sheet it says:

> … obtained by the Director of Housing that was not previously eligible government land since the Housing Land Supply Act came into effect.

Can I have some examples of where there is some? This bill would not be here if there was not somewhere that was already identified, I feel sure, for the Government to be looking for the purchase of land, taking into consideration those points that you made and also the example of Dodges Ferry that you gave to the Council as well.

I am interested in where this might fit and whether I am of a mind to support it but that was a very significant statement, 'gut the bill'.

Mrs HISCUTT - I will seek some advice.

The additional land is yet to be identified by the Director of Housing. This will be dependent on strategic planning work and the availability of land to purchase. Rather than being restricted to existing government land, the director will be able to identify new opportunities for housing in areas that are suitable for residential development, but which have not yet been zoned for that use.

For example, the Hobart to Glenorchy transit corridor has been identified as an area where increased residential development is highly desirable. That is one area.

So, you choose land based on the need from the Housing Register, and the opportunities in the marketplace to purchase new land would be available.

Mr GAFFNEY - I appreciate the work and knowledge of the members for Hobart and Launceston in their rationale behind this amendment. However, you have to weigh that up with the intent of the bill, and what this is trying to do.

In this case, I am supportive of the way the Government is doing this in a streamlined fashion, to try to move the process on as quickly as possible - and understanding that there have been some recent situations where the minister and her advisers have learnt from that particular circumstance. Hopefully they will take that forward into whatever purchases - or whatever they have to do - into the future.

So, I am going to support the bill and not support the amendment, because I think this is really important for our community in general, in large. I congratulate the member for Hobart for putting this up to be debated, but I will not be supporting the amendment.

Ms RATTRAY - I thank the Leader for her response. I am just interested. Given that there is a sunset clause on this, am I to understand that within the next 12 months there is going to be a strategic plan undertaken, and all the additional land that is going to be required under this amendment bill will be identified, purchased, settled on and ready to go in a 12-month period? Is that what I understand from this?

With all due respect, sometimes the wheels move quite slowly. To get a response from the Parks and Wildlife Service can sometimes take a month to six weeks, let alone doing all that.

Mrs HISCUTT - I am advised that the director is active in this space all the time. The director actively seeks land in the marketplace. Just last week, land was purchased in the Hobart CBD.

Ms RATTRAY - That answers my first question - that there has been land identified for purchase. I do not think that is a problem, but I would rather see it be up-front and named up if that is the case, or even suggested. If we are going to work in this space in a proactive way, let us name what the Government is looking at purchasing. I think the Tasmanian community would appreciate that. I know I would. That is just a statement, not really a question.

In her contribution supporting the amendment, the member for Launceston indicated that land could still be purchased; it would just need to go through another process. My other question is, do we have some idea on the additional time frame it would take to go through a rezoning process, should the amendment see favour, and the director has to use the other process?

Mrs HISCUTT - We take the first part of your question as a comment, as you said. The director is here -

Ms Rattray - It is a good comment, though.

Mrs HISCUTT - Yes. The director is here and he said there are things happening.

Ms Rattray - He will take it on board?

Mrs HISCUTT - Yes. The normal process for rezoning is around 12 months, about a year. The Housing Land Supply Act is around three months.

Ms WEBB - I want to make a small comment on that. Except in circumstances like Huntingfield, where we saw a delay of two years after we sent it through the expedited process in this Chamber, it is all very well to claim a shorter process under this.

However, it does not always work out that way with a very large parcel of land like Huntingfield, which is a good example. It is a cautionary tale for us, because we saw that rushed through this place two years ago, and then we were told we could not possibly wait for the proper full process, which involves the local community and the local council, because that

would take far too long. Here we were two years later before that was progressed. So, claims are all very well, but we have to be careful to measure them against the reality. I am still very much considering supporting this amendment, although I have not landed on it yet.

Mr VALENTINE - I appreciate the comments that have been made, and by the member for Mersey. With this bill I would not have an issue with the Director of Housing going out and purchasing land, if that land could go through the normal rezoning process. The difficulty is that it is here, with a change in the rezoning process, that cuts councils out of the full process that they have now. Councils can make a submission, but they do not get the same degree of input. That is the difficulty with this.

I do not have a problem so much with the thing I am trying to take out. If that was brought to this House as it stands, with the rezoning process unchanged, I would not have such a problem. It is the fact that it is here, with a rezoning process change, that this is an attempt to limit the damage. What it means is there is going to be more opportunity for land to be simply rezoned like that without proper process, without the councils having the same process under the Land Use Planning and Approvals Act (LUPAA).

The elements of it are there; as I said before, you have to have regard to the land use strategy; they have to have regard to the planning policies, planning provisions and all of those sorts of things. I understand that, but the difficulty is that the local people, through their local council, do not get the opportunity to deal with it the same as they would a normal rezoning process. That is the problem, and that is why I move this amendment.

I lost the original argument with the bill going into second reading, and I cannot do much about that, but I do think that the community is not going to be happy.

Mrs HISCUTT - I do not think the Government has anything much more to add, but I do think people who need a house will be happy. I urge members not to vote for the amendment.

Madam CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 10**
Ms Armitage	Mr Duigan
Mr Valentine	Mr Gaffney
Ms Webb (Teller)	Mrs Hiscutt
	Ms Howlett
	Ms Lovell
	Ms Palmer
	Ms Rattray (Teller)
	Dr Seidel
	Ms Siejka
	Mr Willie

Amendment negatived.

Ms RATTRAY - I am interested in some detail on the land supply that is available under the Tasmanian Development Act. It was the Tasmanian Development and Resources, because it talks about, 'without the consent of the Board,' there cannot be:

> (4) The Minister must not, in a housing land supply order, declare to be a housing supply land an area of land that is owned in fee simple by the body corporate …

and that is the TDA. How might that particular process unfold and how much land does this authority actually own and where? Good question?

Mrs HISCUTT - I will just seek some advice.

Madam Chair, the Tasmanian Development and Resources currently owns around 40 land parcels across Tasmania, with the majority being small sections of rural roads and road reserves which, of course, would not be suitable for residential purposes. Others are reserved land and, therefore, cannot be considered under the Housing Land Supply Act. The only properties which are potentially suitable for consideration for a housing land supply order are those that form part of the Launceston Technopark at Kings Meadows - two parcels there - or the Hobart Technopark at Dowsing Point. There are two parcels there. These are located within the exisiting urban footprint of Launceston and Hobart.

Land within the Technoparks could only be considered if determined to be surplus to current and future needs and if suitable, for residential purposes under the planning assessment criteria of the Housing Land Supply Act. There is currently no intention to consider any land located at the Hobart Technopark. The TDA board will need to approve the sale of the land.

Ms RATTRAY - Thank you, I appreciate that. Why is Hobart not being considered? We have a housing shortage. People camp at the showgrounds, so we know there is a housing shortage in Hobart. Why not Hobart, given it meets all the transport and other requirements around development for public and social housing? The second question is what sort of negotiations will take place for the board - and forgive me for not knowing a lot about the TDA board - I was not even aware they were still operational until I read this bill. How do you negotiate with the board about taking that land and using it, because they have to approve it and is it a majority of approval, or does it have to be a full approval of the board? How are the mechanics of this actually going to work and have there been any preliminary discussions with the TDA about the Technopark and, again, why not the Hobart Technopark?

Mrs HISCUTT - With regard to your question relating to Hobart, the Hobart Technopark is currently being used for the purposes it was designed for. Therefore it is not surplus to their needs so that is not under consideration.

Ms Rattray - What theTechnopark is not being used?

Mrs HISCUTT - The Launceston one is not; the Hobart one is. The Launceston one is surplus to their needs and the Hobart one is -

Ms Rattray - The last time I looked it was a pretty busy in and out at the Technopark.

Mrs HISCUTT - It is only part of Launceston. So with the one in Launceston there are only parts of the Technopark that are not being considered, not the whole lot as I originally thought and those parts that are not being used are the ones that are being considered.

Ms Rattray - Right. And so in Hobart, while the Leader is on her feet -

Mrs HISCUTT - I have not finished it yet. I will just go through it first and then while I am on my feet you might ask. The one in Hobart is currently being used for the purpose it was designed. Therefore it is not surplus to -

Ms Rattray - Fully utilised?

Mrs HISCUTT - Fully utilised? I will have to seek advice on that. Negotiations are happening and underway in Launceston. Your other question about the board, the Director of Housing negotiates with a person of the board, the board goes behind and does whatever machinations they do. We are not privy to the machinations of that particular board. We just get an answer back, yes or no. I will just follow up on that other question.

Just for clarity, with the Technopark in Hobart, there is surplus land but it has not been identified as being - so it is vacant land but it is not identified as surplus. The TDA has not identified that as being surplus even though it is vacant.

Ms RATTRAY - I am not being parochial here but it is not up to the entire north of the state to try to solve the housing issues here so if there is surplus land in Hobart then why has it not been identified? What is the impediment for that, given that there is this strategic planning taking place and we have a sunset clause - one year, 2023, perhaps two years - all depends when we get - I am interested in why are we not looking at the Hobart surplus land? Why are we only looking at the surplus land in the north of the state?

I think that is a fair question given that it is not all utilised and I am interested in how much is not utilised. I think that is important too, to have an understanding of both parcels in the Technopark precincts of both Launceston and Hobart. I know I do not have another call on this so I would appreciate those questions being answered before we move on.

Mrs HISCUTT - The TDA has identified surplus land to us so it is up to the TDA board. When you talk about north versus south I would like to clarify -

Ms RATTRAY - I am just making the point.

Mrs HISCUTT - Yes, the point is the south already has West Moonah, Rokeby and Huntingfield and in the north there is Newnham. So this is surplus land -

Ms Armitage - And Kings Meadows. Well, the Technopark is in Kings Meadows, Norwood.

Mrs HISCUTT - Sorry, these are the ones that have been approved so far.

Ms RATTRAY - In other words, the board is not interested in letting anything in Hobart go.

Mrs HISCUTT - That is a matter for the board. I should imagine if it was, we would definitely be having conversations about that.

Clause 5 agreed to.

Clause 6 -
Section 6 amended (Inclusion of intended zones in housing land supply orders)

Mr VALENTINE - Clause 6(a)(a) -

(ii) would be, as far as practicable, consistent with the regional land use strategy in relation to the area of land or part;

'As far as practicable', how do we interpret that? Can someone tell me what that really means?

Mrs HISCUTT - This may be risking repetition but I will check with the advisers.

Madam CHAIR - Leader, you can repeat the essentials that you covered in your second reading speech somehow. In the Committee stage it is each clause, but not repeating it on the clause.

Mrs HISCUTT - This is a matter of professional planning judgment. The, 'as far as practicable' test is currently in the Land Use Planning and Approvals Act and was requested by the independent Tasmanian Planning Commission as a better test for determining consistency with regional land use strategies. This test acknowledges that the strategy outlines the broad regional planning strategies and policies without delving into detailed zoning requirements for individual parcels of land.

There are also a range of policies and strategies that need to be weighed up when determining the suitability of a proposal. The assessment criteria provide the ability to make appropriate professional planning judgments on the suitability of the land for residential purposes in the same way as the independent Tasmanian Planning Commission has for many years in determining the suitability of rezoning proposals under the normal process. This really is a matter of professional planning judgment.

Clauses 6 agreed to.

Clauses 7 and 8 agreed to.

Clauses 9 to 11 agreed to.

Clauses 12 and 13 agreed to.

Bill reported without amendment.

MOTION

Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) - Referral to Government Administration Committee A for Consideration and Report - Motion Negatived

Mr VALENTINE (Hobart) (by leave) - Mr President, I move -

> That the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) be referred to Government Administration Committee A for consideration and report.

The reason I do that, Mr President, is because on last count, there are 50 pages of amendments. That is a huge number of amendments.

It is a very complex bill, as we all know. It is important that due regard is paid to each one of those, and that we are not in a situation where on this Floor, the person who moves them has only got three speaks. There could be many questions around these things.

I believe that Committee A needs to have that opportunity to drill down into them and look at the full impact and import of each one of those amendments.

That is the reason that I move the motion. I ask members to consider that.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, as you can imagine, this bill is the result of significant work, consultation and public discussion over an extended period of time.

It is recognised there are members in this place, and members of the community, who do not agree with the Government's policy for the future of gaming in Tasmania. However, there are many others who do support this policy, and that is evidenced by the fact that the policy has been tested at state elections, being a major focus of the 2018 election which the Government won.

The fact that there is some disagreement over the basic proposition that electronic gaming machines should not be allowed to operate within a strict regulatory framework in hotels and clubs is not sufficient reason to send the bill to a committee.

The policy position behind the bill was clearly laid out in the 2018 state election. The people of Tasmania understood the options at the time that it was put before them, and this is the same, and they cast their vote.

The issues that would be considered by a committee would be the same issues that have already been the subject of the following:

(1) The Joint Select Committee on Future Gaming Markets

(2) The public debate during the 2018 election

(3) The ongoing public debate and two rounds of public consultation on a more detailed regulatory model and exposure draft of the bill

(4) The social and economic impact studies

(5) The review of the Responsible Gambling Mandatory Code of Practice

(6) Debate in this parliament.

There are not a lot of unknowns here. The issues have been extensively canvassed. The Government's position has been clearly articulated on multiple occasions. The opposition to the policy and components of its implementation have been well canvassed and are well understood.

Apart from delaying the restructure and reform of the Tasmanian gaming market, I struggle to see the benefit of sending this bill to a committee.

This debate will continue for long enough. The community and the industry deserve certainty over the future of gaming in Tasmania, and it is our responsibility here to provide that certainty by debating the bill at this time.

Members, the bill has been around a long time. What is in the bill is the policy that we took to the election that has been voted on twice; and I believe it is about time we moved into the Committee stage of this bill.

Mr President, I urge members not to support this motion, but to move into the Committee stage.

Mr GAFFNEY (Mersey) - Mr President, it is important to note that I view the gaming committee that we had held in 2016-2017 as the first step process where we garnered as much information as we could from the wider community, from whole different groups of industry, the public. We had assistance from Treasury with all of that modelling, as much as we could back then; and so that was that process. This is specifically about the legislation and in this process, I do not think that we have enough information to progress this further down the track. I would appreciate the chance for the bill specifically to be looked at. We have done this before. We have had the same situation before in this place, when we looked at a specific piece of legislation over a January period in this House because we were concerned about the ramifications.

Ms Forrest - The was a Committee of the Whole, not a Government Administration Committee.

Mr GAFFNEY - That is right. In this situation, the member for Hobart has asked for Committee A to have a look at this bill because it falls under their purview, and I would be supportive of that.

Ms WEBB (Nelson) - Mr President, thank you to the member for Hobart for bringing the motion to send this bill to a committee. It will surprise no-one that I support the motion to send this bill to a committee. I have been very up-front at all stages of discussion on this bill, that I believe that is the most appropriate outcome.

I will reiterate why that is. This proposed reform and the bill that is before us to give it effect are not compatible with evidence-based expert-informed policy on many key aspects

contained in it. This bill and the policy behind it fails to deliver the best outcomes we could expect for our state, either financially or socially, and it locks in that situation - not just for 20 years; it effectively locks it in permanently.

This bill, simply and categorically does not put the best interests of the Tasmanian community first, demonstrably it does not. This bill contains numerous aspects that have received very little, or very limited, public discussion and consideration. This bill is contrary to the demonstrated views and preferences of the Tasmanian people in its detail. Importantly, this bill removes any future moment-in-time opportunity for reform of this industry, such as this current one that the Government is using to bring this reform forward. No future government will have this opportunity ever again, if this bill is passed.

That in itself should give us pause, and prompt us to regard the only option to give it appropriate scrutiny is through a committee of inquiry process. It is my view that a responsible course of action for us in this place would be to have this bill considered by a committee of inquiry. I appreciate that the motion points us towards Committee A because of the portfolio of finance that sits under that committee. A Committee of the Whole Chamber would be another option if another member wanted to look at that as an option. I believe either way, the process would be appropriate and would exercise a mechanism we have available to us. In my view that mechanism would be appropriate for this bill because of its breadth and complexity, because of the significance of the impact it could have on our state, socially and financially. There simply has not been evidence and modelling providing for many important elements in the bill that show it to be the best option that we could achieve. There has been an absence of meaningful consultation with the community and non-industry experts on many fundamental aspects of this bill. There is a high level of public interest and concern that has been expressed in relation to this area of social policy and the potential consequences of this bill.

We have an opportunity before us in this parliament and in this Chamber to continue a very valuable role that has previously been played at key moments when gambling reform has been considered in this state. We have a strong history in this Chamber of undertaking that role on behalf of the Tasmanian community and giving due, appropriate consideration when significant reforms are brought forward in this area of social policy.

It would be absolutely devasting and an utter betrayal of the Tasmanian community if this Chamber were to walk away from that strong legacy and fail to undertake its role appropriately and properly this time around when the consequence is not another defined time arrangement, the consequence is a virtually permanent change that will be never delivering to us this moment in time again. A parliamentary mechanism of a committee of inquiry is ideally suited to be utilised for a bill of this complexity. And as the member for Hobart pointed out, we are dealing with an amendment bill that has 188 clauses. A principal act that it seeks to amend is of similar size and we have 50 pages of amendments to deal with and consider.

The scrutiny of legislation is a careful process. I know members here take that very seriously and wish to do their job with diligence and due attention. If this bill, with its complexity and consequences is deemed not to warrant a standard parliamentary process of a committee of inquiry, then nothing that comes through this place will ever warrant it.

If a committee of inquiry is not supported in this Chamber and we continue with this bill through to the Committee stage of debate, I do have a considerable number of amendments and I am not the only one who has amendments to bring to it. I have outlined to members as openly

and as thoroughly as I can what those amendments cover. I have provided clause notes to them and I have been prepared to discuss them and to explain anything that was not clear at every stage.

However, the thing about those amendments is that none of them interrupt or change the fundamental structural changes this bill seeks to make. They are very complementary to the fundamental restructure that is the centre of this bill. Many of them relate to areas on which the Government policy has been silent. But what they do is seek to make the most of this once in a generation, if not once every, opportunity we have here before us to get the best outcomes for the Tasmanian community from this reform before us.

Absolutely, 100 per cent it would be appropriate for a committee of inquiry to examine my proposed amendments and others that are put forward. That would be utterly appropriate and provide an opportunity to test and examine them. I certainly believe we could find opportunities to improve not just this complex bill, but also, improve potential amendments through the process of a committee of inquiry.

Some extra time taken to give this consideration of a committee of inquiry to this bill, this complex and important bill, is an investment for our community.

It allows consideration of other aspects to be brought forward in a concentrated way within our parliamentary process. We contest things. We can put evidence in the public domain - which, of course, processes of consultation, limited as they have been, have not been allowed to occur.

We can give proper review and thought, ask for expert advice and input from others on very fundamental parts of this bill so that we know when we answer the questions: is this the best bill it could be? Does it deliver the best outcomes for our community? We will have some measure of confidence in the answer we are able to give. Yes or No.

This is a topic area on which we need to not just be completely transparent and accountable in our policy development and legislative process, we need to be actively seen to be that. There is a reason that some jurisdictions, for example, ban political donations from the gambling industry, because this is an area so open to the perception of financial influence of policy outcomes. And since here in this state we do not have that protection of a ban of that kind and since we have the acknowledged weakest political donation disclosure laws in the country, we have to make every possible effort to counter any perception that policy and regulatory capture has occurred and this provides us -

Mr PRESIDENT - Order. I remind the member to stick to the motion which is it goes to Committee rather than revisiting your second reading speech, and I ask all members to do that on the question proposed.

Ms WEBB - I will finish my sentence, Mr President, which was that - and this process proposed in the motion provides us with that very demonstrable way to counter any perception there could possibly be any of that kind of influence. This is why we have appropriate standard parliamentary mechanisms of this kind and why I support this one occurring on this bill on this topic.

We simply are not in a position to say at this point in time - any of us in this Chamber - this bill delivers the best possible outcomes we could for our community, delivers the best possible financial deal for our community and does not risk potential increases in harm so for those reasons -

Mrs Hiscutt - Mr President, I do not want to get into an argument but this is the member's personal point of view. The bill delivers what the Government said it would deliver.

Ms WEBB - Mr President, I am making my case for why I support the motion. I am speaking to that. I will continue to do that.

We have a moment here where we can exercise our role in this Chamber in a rigorous and diligent and accountable way. This motion to send the bill to a committee allows us to do that. The bill deals with what is likely the state's most valuable public licence. The bill relates to a product that while legal, is recognised as addictive and harmful, such that we acknowledge the need to license and regulate it.

The bill deals with a regulatory regime that involves gambling harm caused to thousands of Tasmanians.

The bill takes the end of licence opportunities that exist in 2023 which our Liquor and Gaming Commission called: 'A once in a generation opportunity', and uses it to put in place what amounts to a permanent change and closes the door on any future opportunity for industry-wide reform.

As I said earlier, if this bill with its complexities and consequences is deemed not to warrant this standard parliamentary process, then I believe nothing that comes through this place would possibly warrant it.

Anyone here who cannot in all good faith and honesty report to their community this bill fully grasps this once in a generation or indeed one-time only opportunity for reform and delivers the best possible outcomes and the best possible deal for the Tasmanian community, must vote for this motion to send it to a committee of inquiry.

Ms FORREST (Murchison) - Mr President, I will speak to this and I would still like to hear the views of some others who have not spoken yet. When I read the motion circulated by email, it was very straightforward that the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) be referred to Government Administration Committee A for consideration and report. Then I heard a lot of conversation about all the amendments that have been put forward and I have put some forward. I have tried to get them out as early as I can. I know it has been a bit of task for OPC and am very grateful for their work, but that motion does not consider those amendments.

The amendments should not be part of it in itself if this bill is referred to Committee A. Committee A should look at the bill. Then there are also some comments and suggestions being made we could look at other matters related to this.

Mr President, I do not think that is what we are talking about here. What we are talking about if this motion was to be agreed would be the bill and not all the extra matters that could be brought into the picture.

Yes, we have referred bills to committees in the past. We referred the Business Names Bill to Committee B. We referred the Reproductive Health (Access to Terminations) Bill to Committee A. They were very specifically narrow on those matters in hand.

We also had that process we are all probably still in counselling for - the Committee of the Whole Parliament, except for one, that looked at forestry all over the summer and into the next year.

So, we have done it in the past, and often it has been with contentious matters. It is important that we focus on what could be achieved through this, and what may not be, but I absolutely do not support the motion that a committee of inquiry could look at other aspects that could be brought forward related to the broader issue of gaming.

It is the bill that is before the House. It is the bill that would be subject to this motion.

Ms Webb - Through you, Mr President, were you suggesting that this was what I had suggested? I am just clarifying that it was not what I suggested.

Ms FORREST - I was listening, and I have written down what I wanted to say in response to what was being said.

Mr President, I think it was the Leader who said this has been well canvassed in the public, through to elections, with a major focus on the 2018 election. That is true, but I totally disagree with her on the point that the people understood the full detail. What a lot of rubbish. I know the Leader has to read what she is given but, seriously, the people of Tasmania had no idea what it was going to look like. That is a load of rubbish if ever I heard it. Still I think there are people there who do not understand the detail now of what is being proposed and how - I am being careful not to stray into my second reading speech, Mr President - but how breaking the monopoly is only one small part of this, and it is almost incidental to what is happening here.

I will not go any further with that. I have already canvassed that under the second reading speech, but I absolutely disagree with the Leader that the people of Tasmania understand all the details.

A range of other matters have been well canvassed in the debate and second reading by some of us, including myself. The member for Nelson also made a lengthy contribution covering a whole range of matters which are now clearly on the public record, and I commend her for doing that.

The member for Mersey talked about the joint House committee that was established in 2017 as being the first step in the process. I was not on that committee, although I did put my hand up for it, but a lot of information was gleaned by that. The Government responded along the lines that you would expect - that they liked some parts of it, did not others, have not really responded to others.

I do ask how this one would be different. I will come to that, but referral to a committee - Government Administration Committee A, committee of all members, or another committee for that matter, select or otherwise - could certainly have provided an opportunity for full scrutiny of the bill, but so does the Committee stage of a bill in this House.

I am trying to put both sides here, Mr President. The Government has a stated policy position, and it is their right to bring forward their policy. Regardless of whether the people of Tasmania fully understood or not, they will have a right to do it. I do not agree with their policy, quite frankly. I did vote the bill into Committee stage to give it a chance to be amended in ways that reflect the policy as I see it, and as articulated in the bill more fully. That is a process I will be willing to go through to see if we can, but I still reserve my right to vote against it on the third reading.

I ask the question, in deciding whether to support this motion or not, as to what can be achieved if this bill is referred to the GAA. We could end up where we are now. We could do a whole heap of work, months of work, to end up back where we are now, with suggestions for a range of changes that will probably be ignored by the Government and potentially the Opposition.

With committees such as this, you are unlikely to bring forward recommendations, perhaps just findings, because of the nature of the competing views in the Chamber. We have a Labor member, a Liberal member, we have Independent members in Chamber, in the Chair. I have made my position clear: I do not support the Government's policy on this, the way they are doing it. We would end up with dissenting reports, probably five of them - the Chair's report, five dissenting reports. It could be like that. I wonder what the potential value of that is.

Because of the nature of this highly contested space, and very differing views on the right way forward, I am not sure we are going to get much achieved through a committee of inquiry through that process. I am happy to be convinced otherwise, if other members have a view that we can.

[5.50 p.m.]

Ms RATTRAY (McIntyre) - Mr President, like most members, I thought long and hard about this. I certainly did support the committee of inquiry into the forestry issue, way back. It was torturous, it was arduous. Did it make as much of difference as members thought it might? Potentially, no. At the time, we had a government that was keen to see a result from that committee of inquiry. This time around, I do not see a Government looking to change their position; you either support the principle that the Government has put forward, or you do not.

I am prepared to play my part. I came here this week believing it would possibly take 40 or more hours to move through the Committee stage, a Committee of the Whole Council. I talked about that with a number of my colleagues last week, when I heard some discussion through the media about it needing to go to a committee.

This House is a committee. It is a Committee of the Whole Council. At different times we have taken bills - I remember being the chair of the business names committee -

Ms Forrest - A very exciting inquiry, I believe.

Ms RATTRAY - A very exciting time, with Queensland as the host jurisdiction.

Ms Forrest - No, we were the host jurisdiction.

Ms RATTRAY - That is right. They were the host jurisdiction of every other inquiry. Tasmania was finally the host, so we felt we needed to make sure we had this right, because we were providing enabling legislation for the entire nation.

I am not of a mind to support this being sent to Committee A; it would not matter if it was Committee B. In this instance, it needs to be a Committee of the Whole Council. We need the opportunity to explore the amendments that have been put forward or the clauses as they stand.

I took on board what the member for Murchison said, because we would only be referring to the bill as it is to the committee, and not the amendments. That is my understanding. We could take some advice from you, Mr President; you might be provided with that wise knowledge and understanding of the committee process, while others are considering their position or making their contribution. I think it is important to have that. It is a valid point.

If we are not considering any amendments, that would make a difference as well. I did not receive the intention of notice of motion. Was that circulated?

Mr Gaffney - I do not think it needs to be circulated.

Ms RATTRAY - No, I just thought out of consideration for others that it might well have been but in any case, at this point in time, as a member of the House, I will certainly listen to any other contributions that come forward. I have a mind to continue on the Committee of the Whole Council pathway at this point in time. My offering, Mr President.

Mr PRESIDENT - For the member's information, it would be up to the committee to decide what it took on board but that would have to be agreed in the terms of reference by the members on that committee.

Mr VALENTINE (Hobart) - The Leader said that it was clearly laid out, in fact, at two elections. I would have to say that with any election one never knows what people are voting for when they vote in a particular party and I am sure there are many and varied reasons why the Liberal Party was elected to govern. It may not have had anything to do with gaming but as I have always said, it does not necessarily give a mandate. That is a mandate to put it on the agenda, as I stated the other night. There was mention that there had been a previous select committee that had already delved right into these matters and that is true, Leader, that is quite true. However, that previous joint select committee did not consider this bill and that is an important thing to note.

The amendments being spoken of have not been tabled yet, so they are not - I take the member for Murchison's point in some ways but they have not been tabled yet, so they are not amendments. They are matters that no doubt if it gets to Committee the members I am sure will want to consider the various aspects that those amendments deal with and indeed, whether or not there are better ways of being able to achieve the same ends that are components of the bill.

I agree that while the committee has the opportunity to set its terms of reference, you would not be casting your net so wide that it would make it impracticable to deal with the bill at the end of the day. You do need to focus and you would focus on the aspects of the bill and whether that be its taxation proposals or whether it be its harm minimisation measures, all those

sorts of things. That is the intent of the motion, the person who is moving the motion, that is the intent of it, as to whether those amendments would have a significant impact on the gaming landscape, as envisaged in the bill.

The member for Mersey said there is not enough information to feel comfortable with this bill in its present form and I would certainly have to agree with that. I really think it is so complex and I fully believe that the members of the public out there do not really know how complex it is and certainly would not have studied it before going to the ballot box. I am sure of that. As it stands, there are lots of questions to ask and that is the reason why there are so many amendments, 50 pages of them that will be proposed if it gets to the Committee stage.

The member for Nelson said the bill fails to address the community's best interests, and in effect, that no future government will have the same opportunity to pause and get it right. I think that goes to the point - the fact that the ducks are never going to be lined up the way they are. There could well be a disjoint set of licences that are in place that introduce sovereign risk if you try to change the act if it becomes an act in any way at any point in time.

She also made the point that nothing will ever warrant closer scrutiny if this bill does not and the amendments proposed allows testing of evidence which the process of consultation has not allowed. The inquiry process will allow us to demonstrate that we are committed to a rigorous examination of this bill. I think that was an interesting point to make and for that to be done in an accountable way. For this parliament to be seen to be doing its job properly that is a good point to make.

The member for Murchison drew attention that it is important to understand that this would look at the bill, not matters associated with anything gaming and I think I have covered off on that. The public have no full understanding about the complexities of the bill. That has already been covered off. What can be achieved was the question that was asked there, suggested changes that may or may not be agreed by the Government. Indeed, that may well be the case. I do remember the forestry bill and if you remember we went into committee on that and we looked very closely at that and we did not come out with any recommendations and I think that was the strength of that process. We did not come out with recommendations but every member at least had the opportunity -

Ms Rattray - All but one.

Mr VALENTINE - One who shall remain nameless but not the present member for Rosevears.

Ms Rattray - No.

Mr VALENTINE - I hope he is listening. That was a really important committee because it delivered in the sense that it clarified heaps of things and I think there is an opportunity for the same to happen here. The member for McIntyre does not see the Government changing its position. She came prepared to do the 40-plus hours that it might take to handle this through the Committee stage without going to an inquiry and I take that point. I apologise that you did not get a copy of the motion. That was my oversight so I take responsibility for that.

Nevertheless it is a simple enough question. We all need to be able to leave this place after having dealt with this bill knowing that the people out there are confident that we knew what we were voting for. I really think that is important, that the public of Tasmania have the confidence that we all know the import and the impact of the mechanisms within this bill, a bill that could introduce an act that may well be a bill that could last 60, 80 years. Who knows how long it could last in its present form?

I leave that with you and I ask you to support the simple motion that the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) be referred to Government Administration Committee A for consideration and report.

The Council divided -

AYES 4	**NOES 10**
Mr Gaffney	Ms Armitage
Dr Seidel	Mr Duigan
Mr Valentine (Teller)	Ms Forrest
Ms Webb	Mrs Hiscutt
	Ms Howlett
	Ms Lovell
	Ms Palmer (Teller)
	Ms Rattray
	Ms Siejka
	Mr Willie

Motion negatived.

MOTION

Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) - Referral to Public Accounts Committee for Investigation and Report - Motion Negatived

[6.07 p.m.]

Mr GAFFNEY (Mersey) (by leave) - Mr President, I move -

> That the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) as read the second time in the Legislative Council be referred to the Joint Parliamentary Standing Committee of Public Accounts for investigation and report with specific reference to:
>
> (a) the economic benefit and financial returns provided to the state in the bill and the management, administration and use of those returns;
>
> (b) the socioeconomic impacts to the people and the state in the bill;
>
> (c) the governance and regulatory changes proposed in the bill; and
>
> (d) any other matters incidental thereto.

The reason for me moving this motion, for those people listening out there in the public, is that we have a variety of committee processes. This one is not towards the policy. It goes towards the financial implications and the economic returns to the state of this bill.

The function of the committee is to examine accounts showing the appropriation of the amounts granted by parliament to meet the public expenditure and such other accounts laid before the parliament as it sees fit. The committee reports back to the parliament only matters arising from the inquiries.

There are only two functions of the Public Accounts Committee:

(1) The Committee must inquire into, consider and report to the Parliament on any matter referred to the Committee by either House, relating to -

(a) the management, administration or use of public sector finances; or

(b) the accounts of any public authority or other organisation controlled by the State or in which the State has an interest.

(2) The Committee may inquire into, consider and report to the Parliament on -

(a) any matter arising in connection with public sector finances that the Committee considers appropriate; and

(b) any matter referred to the Committee by the Auditor-General.

I understand that the Government, as outlined by the Leader, says they have had a policy position, and they have taken that, and they have been supported in that. I have heard members in this place say yes, we support; we may not agree with, but we understand the policy position.

To my mind, this is to do with the financial returns and the complexities of the financial arrangements that are contained within this bill; let alone any other amendments that may be suggested.

The reason for that is - if we look at the changes made to the gaming market if this bill goes through - it is ending Federal Group monopoly on electronic gaming machines, EGM ownership. I have no issue with that and I have heard no issue on that from many people. Some may have a different point of view, but that is what the Government has put in.

The bill also moves to an individual venue operator model for machines in hotels and clubs and ensuring returns from gaming are shared more appropriately across the gaming industry and with the Government representing the community.

The Public Accounts inquiry would not reflect so much on those policy positions and those statements. I had to go back to 2016-2017, when that committee was selected. We had three members from this House. Initially the Government said, we will have members one, two, three. I was one of those and I said no, it is not a decision by the then government, that is a decision by the Legislative Council. We met, we selected those people - people put their names forward and were voted on by members in that committee, and those three people went onto it. When we got there we thought, this is a really complex area. We are not going to be

able to do this by ourselves. What do we do? We went to the Premier and said, 'we need extra funding so we can get some advice from people who understand the business, understand casinos, understand taxes, understand all those different things.' Treasury was involved in that tender process. We put the tenders out and we chose Synergies for that position. They were chosen by a combination of people in the know, saying that group can come back to this parliamentary inquiry and provide us with advice.

The advice that came back from that group has not been taken on board that much by the people setting the policy. On one hand, we have a Government setting a policy, we have the group that are the experts in that field coming back to the committee saying, this is what we believe. The Government's policy does not match up with what Synergies believed, because Synergies, in the brief time, highlighted a number of issues with the Federal Group and the THA policy that was put on the table on 18 August - the one which the Government has ultimately taken on board. Here we have a bill reflective of the Government's policy, not taking on board the expert opinion that has been given to the committee in 2017 regarding that bill.

Here we are in a situation, we 14 people - we have to make a decision based on our knowledge. I am looking at this and I am thinking, what if something moves that would change the EGM from the casinos from 3 per cent to 5 per cent; what does that mean? What does that mean when we change it from 5 per cent to 3 per cent - if we go the other way? What does that mean? We will be sitting here not knowing what we are actually voting for. Knowing what we are voting for because it is on a piece of paper; but not knowing what the financial implications of our decision will be. How can we sit here looking at a bill from a financial aspect and returns to the state, if we don't actually know what that will mean?

Whilst we did not vote for Committee A, I am suggesting that we go to the Public Accounts Committee because that group will be able to get the appropriate stakeholders in, to explain what each clause of the bill means. What each percentage would mean. What each change would mean. I have faith in that Public Accounts Committee, that they would come back to this Chamber and this parliament with their responses and their result.

For us to do anything else is, I believe, a dereliction of our duty. I do not want to walk out of here at the end of this passing and send it back to the Government saying, well we didn't make any amendments; a couple of suggestions, but we have not changed anything because we do not have the numbers. All we can do is suggest it goes to a Public Accounts Committee where they can get Treasury in. They can get people in and they can ask them the questions we need so, when we leave here, we know we have made a decision based on expertise, based on knowledge, based on people who know financial situations and financial implications.

The defence or not of this part of the public inquiry should not be as long as the first one. We have had a discussion about the committee but this is not about policy; this is about financial implications of any bill we set up for the next 20, 30, 40 years. By the way, this was a similar thing that happened in 2003, when it came up as a deed. The upper House sent this same situation off to the Parliamentary Standing Committee of Public Accounts to have a look at because they wanted to be certain they made a decision based on the best knowledge at the time. I know that this bill - the way it is laid out - is not the best it could be for Tasmania because Synergies Economic Consulting, the experts I have a lot of faith in, gave us an appraisal of that model that landed on our table on the 18 August 2017. They gave us four weeks to respond to it and they came back saying - 'This is not good; this could be improved; this model could be better; why are they not using this and this?' so in light of that,

I would encourage all members in this place to think very carefully about the opportunity we have here to get more information from people the Public Accounts Committee needs to speak to, whether that be Treasury, financial advisers, those people in this space.

The Tasmanian Hospitality Association and the federal model have copied the Cairns model. They have copied the Queensland stuff, because it was easy for them to do and they have changed it from there and put it here.

I would encourage and urge each member of this place - you may not have been able to support it going to Committee A; I understand that, it is a generalised committee - I am asking you to consider sending this to the Public Accounts Committee. They can get the stakeholders at that desk to answer the questions we are going to be bumbling our way through over the next three or four days, if it does not go to the Public Accounts Committee.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I am not going to labour over the same arguments I put forward with the other ones, suffice to say they are the same arguments. There have been two rounds of consultations already done amongst stakeholders. I imagine PAC would be considering those same stakeholders or very similar ones. The member for Mersey mentioned the people PAC would talk to: Treasury, we have our Treasury advisers here to answer these questions as we go through the Committee of the Whole.

This has to be done at some stage. We are ready to go. The amendments are ready to go after many hours of work. The advisers are ready to go from Treasury. Members, I urge you to not support this second motion. We have had the debate. Let us move on and get this done, or start it at least.

Ms FORREST (Murchison) - Mr President, I have a few things I want to raise with this particular motion. I have not seen this at all until just now when it was handed out to us in the Chamber which gave me no time to consider the content of the motion. This is disappointing to say the least, because in its current form I cannot support it for a number of reasons.

The member for Mersey referred to the Public Accounts Committee Act which talks about the functions of the committee, and full disclosure, members know that I am Chair of the Public Accounts Committee and I have been on the committee for more years than I would like to remember.

The functions of the Committee:

(1) They must inquire into, consider and report to the Parliament on any matter referred to the Committee by the House relating to the management, administration or use of public sector finances; or the accounts of any public authority or other organisation controlled by the State or in which the State has an interest, and

(2) The Committee may inquire into, consider and report to the Parliament on any matter arising in connection with public sector finances the Committee considers appropriate; and any matter referred to the Committee by the Auditor-General.

Notionally, this can be referred to 'this matter' but in my view and in discussions I have had regarding the provisions of this act, when I have looked at other matters, particularly, referring them to the Public Accounts Committee - including the COVID-19 response, I might add - it is about the financial performance and management. It is all about the money. This is far too broad in its current form: (c) the governance and regulatory changes proposed in the bill, no. Other matters incidental thereto, no.

That broadens it right out and it makes it an impossible task because then you end up potentially being required to look into all manner of things related to gaming that could or should or may not be included in this bill. That is a point where I think, the motion as it stands is not acceptable to me, though I think there is some merit in sending the financial aspects to PAC. I have felt that for some time and I have said that publicly some time ago.

Part (b), the socio-economic impacts to the people and the state in the bill, I am not sure who we are talking about when we talk about 'the people'. Are these the players who deserve to get better returns and not be ripped off like they are? Is it the people of Tasmania generally? I am not sure. It is just a bit of the wording in this motion that bothers me, in that frame.

That said, I am also not sure - and this is something that I do not know where I can get advice from standing here right now, but this is a joint House committee, the Public Accounts Committee. We have three members from downstairs, and three members from here. Again, we have two Labor members, two Liberal members and two Independent members.

Three House of Assembly members have already considered the bill and they have passed it and it is here. I am not sure what sort of potential problem that causes for them. I do not know if it does or not. Is that an issue when they have already made the determination on the bill? I am concerned that if it was going to go to a joint House committee, it probably should have gone before it got here, before it was dealt with downstairs potentially. Those members may not be in a position where they can consider it in a full and frank way.

I am asking because I do not know the answer to that. I do not know if anyone can get some advice during the debate on this motion that is before us to inform me.

Ms Rattray - Through you, Mr President. The mover of the motion indicated that it happened in 2003.

Ms FORREST - In 2003?

Ms Rattray - Yes, it was sent to the public accounts.

Mr Gaffney - A similar motion but it might have been a different -

Ms FORREST - What was sent to public accounts?

Ms Webb - The deed and the legislation to give it effect.

Ms FORREST - The deed. I sat on that committee as a member of that inquiry.

Ms Rattray - In 2003?

Ms FORREST - 2003. The first one, sorry. No, there was another one later on. Yes. At what point was that sent to PAC?

Ms Webb - From the upper House.

Mr Gaffney - From the upper House.

Ms FORREST - Was it? Right. Whether that was in order to, I do not know - I was not here at the time and I do not believe anyone was. No. Not even the most senior member here.

Ms Rattray - But it would be good to know how that worked.

Ms FORREST - Yes. It is just a question I have in doing things correctly. I think there is an appropriate reference here to the Public Accounts Committee, as long as it is confined to the matters related to the financial implications and the return to the state and return to the people of Tasmania.

Ms Rattray - That is just (a) then?

Ms FORREST - Potentially, yes, without some clarity around (b) but -

Mr PRESIDENT - Order.

Ms FORREST - I listened to the member for Mersey, as chair of the joint committee that looked into the future gaming markets matters and he said the Government did not take on board a lot of the information that was provided to the committee. It makes you wonder whether they will take on board anything that comes from any other committee, quite frankly. It is not a reason not to do it; it just makes you think if they have really made up their mind they are not going to budge. Then all the time we spend, even in the Committee stage in the bill, could be for nought, which would be very frustrating and very annoying if it is - but that is democracy, some people will say, because the numbers are as they are.

I know that the issues relating to harm minimisation measures and all those other matters are significant but I do not believe they are ones particularly that the PAC would review. The harm minimisation measures, I believe if they are not dealt with in the Committee stage of this bill one way or another, there is still capacity for them to be dealt with beyond this process. That is not the endgame there - the financial modelling around the model that is put in place here. That is why I proposed a request for the House of Assembly to consider a different model, particularly with relation to the licensing and fees related to EGMs in pubs, because there is significant inequality in the way that distribution is occurring under this bill. They are the sort of things I think could be looked at, because they do relate to the financial return to the state and, thus, to the people of Tasmania.

I will wait to hear other members, and whether there is an inclination to amend the motion before us, and for feedback about the appropriateness of House of Assembly members sitting on a committee looking at a bill they have already dealt with, and passed, and essentially supported, because there are no Greens on the PAC, either.

Mr Valentine - Though you, Mr President, perhaps the member is best placed to reshape that.

Ms FORREST - It is a bit awkward to do it on your feet while standing here. Whether you would just remove (b), (c) and (d), that may make it a reasonable reference, yes, but I have not had time to think through whether (b) is appropriate and whether it needs to be reworded.

I will listen to others, but I think there is merit in sending, particularly the financial aspects of this bill, to the Public Accounts Committee. It is better to do it before it is dealt with than after - but, again, those complexities I have mentioned.

[6.27 p.m.]

Mr VALENTINE (Hobart) - Quite clearly, I wanted to see this go to Committee A, but as that was not successful, this process the member for Mersey is putting before us is another option. I said in closing the debate that the people of Tasmania expect us to know what we are dealing with and voting on. It is important we give every opportunity to improve the information, whether it is changes to tax rates or whatever it might be - financial in this case, because it is being considered for scrutiny by the Public Accounts Committee.

It is important we get it right. To not take that opportunity up is not wise, as the House of review. It is so complex and far-reaching, because it is going to be in place for a long, long time. To not properly examine that financial side of things is not a good way to go. I support the motion. If it needs to be amended, I would be happy to have it reconsidered. I am not the architect, which is why I suggested the member for Murchison might provide some guidance.

Ms Forrest - If we had notice, it might have made it easier. I had not seen it until it landed right there.

Mr VALENTINE - I understand, I am not denying that. It does not leave too many options for it to be amended at this time. I will support the motion.

[6.29 p.m.]

Ms RATTRAY (McIntyre) - I am going to be the voice of reason here, given that it is 6.30 p.m. Given what the member for Murchison has said about the terms of reference that have been presented, and an opportunity for the motion to possibly be amended, that would give time for members of the Chamber to consider whether that sees favour with the committee or with the House.

I am going to ask the Leader whether perhaps there would be an opportunity to have the dinner break.

Mrs Hiscutt - The member on her feet is capable of determining the break.

Ms RATTRAY - Mr President, I move -

That the debate stands adjourned.

This is for some consideration by members on the terms of reference proposed by the member which certainly gives another option to members. It also allows members to have some thinking time and it is obviously important we all have opportunity to eat if we are expected to work into the evening, Mr President.

Debate adjourned.

SUSPENSION OF SITTING

[6.31 p.m.]

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

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

This is for the purposes of a dinner break which I anticipate won't be anything more than an hour.

Motion agreed to.

Sitting suspended from 6.31 p.m. to 7.37 p.m.

MOTION

Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) - Referral to Public Accounts Committee for Investigation and Report - Motion Negatived

Resumed from above.

[7.37 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I hope members, staff and departmental people were able to take a break and get their head around what is being proposed and the question before the House at this point. I am going to continue to listen to the debate on this, but I also expect that somebody - possibly somebody new - has an amended motion. Again, I will take the opportunity to make my decision at that time.

[7.38 p.m.]

Ms WEBB (Nelson) - Mr President, I have an amendment to the motion that I seek to move. I will read it.

Mr President, I move that the motion be amended as follows -

Paragraph (a), by leaving out all the words after 'bill'.

Paragraph (b), by leaving out all the words after 'impacts' and inserting instead 'of the bill'.

Paragraph (c) and (d), by leaving out the paragraphs.

That is the way I suggest we amend this motion, which still then is about referral to the Public Accounts Committee, but brings it down to a very spare term of reference, which would essentially be that it would look into the economic benefit and financial returns provided to the state by the bill, and the socio-economic impacts of the bill. Quite straightforward and spare.

I think that is something that would be appropriate. It certainly is something I am in support of. I recognise that the Public Accounts Committee is, as the member for Mersey said when he brought this motion, the place that the deed and the legislation was brought to in 2003.

It was sent there by the upper House to look into the arrangements at that time, with a slightly more expansive term of reference, but I think for our purposes this fairly spare term of reference is appropriate.

I reflect on the value of committees as a process to assist us with the deliberative work and the review and the scrutiny work that we do here. When people elect members of parliament, they do not just elect a government, they elect a parliament. All members of parliament, whether they are government members, opposition members, minor party members or indeed independent members - all play a role and the committee role is a key one. The committee role that is available to us here is a demonstration of that because it is not just about changing an outcome or influencing government policy or even government having to pick up or run with things that come out of that process. The process itself has value as a function of parliament.

During the break I looked at the federal parliament website to see about the role of committees and I would like to share a small amount from the information sheet on the role of a parliamentary committee. It is under a heading 'Why are committees important?'. It says the following:

> Parliamentary committees are one mechanism the House uses to keep a check on the activities of the government. Because they have extensive powers to call for people, including public servants, and documents to come before them, committees can thoroughly investigate questions of government administration and service delivery.
>
> … Committees can contribute to better informed policy-making and legislative processes. They help Members to access a wide range of community and expert views so that through the committee process, the parliament is able to be better informed of community issues and attitudes. Committees provide a public forum for the presentation of various views of individual citizens and interest groups.
>
> In a sense, committees take parliament to the people and allow direct contact between members of the public and groups of Members of the House.

That is the key consideration and I think the committee of inquiry process is different to the Committee stage process, even in that sense of the presentation of, say, public servants to provide information. It is quite a constrained provision of information within our Committee stage and that is fine, that has a function too. But, the public servants and the advisers are there to provide information to the Government, to give us through a committee of inquiry process, such as the one we are seeking here in this motion.

It is a different set of circumstances when public servants or other experts appear and engage with the committee to provide evidence, to answer questions and to provide information. It is a direct interplay there between the members of the committee and those public servants or other experts.

The material that comes into the public domain and goes on the public record through a committee process is distinctly different to the material and the responses we get in our Committee stage of debate here in the Chamber. And that is one of the key reasons I think it

is important on this bill, that we seek to send it to that full committee process, a committee of inquiry through the Public Accounts Committee (PAC) because we will have then a public record as a matter going forward. Regardless of the outcome, regardless of findings that might come out, regardless of how the Government of today may respond to those findings. The process will be valuable. The process will be parliament undertaking its job fully on a complex bill.

It will be the opportunity for parliament in some sense to come to the people as described in that federal government fact sheet. We know that it is not just about the situation now and the decision-making now and our understanding of this matter and this bill now. Our parliamentary record stands as a historical record and that material - either through the process we have here in the Chamber, but also very specially, through processes that we have through the committee of inquiry processes - that material in the public domain becomes important for future discussions, for future reference. That is what I believe we are bound to consider also when we think about the appropriateness of sending this bill to a committee of inquiry, in this case with this motion to the Public Accounts Committee (PAC).

I encourage members to see this as a really valuable way that we can contribute to the debate on this bill but also contribute to our functioning as a Chamber and the public record going forward.

Mr PRESIDENT - The question is should the amendment be agreed to -

Mr Gaffney - The amendment that has just been put forward or the original amendment?

Mr PRESIDENT - No, that is the motion. This is the amendment and then if the amendment gets up then we will move the motion as amended.

Mr Gaffney - I can talk to the amendment?

Mr PRESIDENT - You certainly can.

Mr GAFFNEY (Mersey) - Thank you. I want to clarify that because I do apologise to members. We tried to get some words to you earlier, but we had a bit of a hold up there. I like the amendments. I am not precious about what is in there. The one I am really concerned about is the fiscal arrangements and that is really important.

Some of the other elements we have spoken about, the harm minimisation, the social issues, the density and that sort of thing can be dealt with, but the one I am really concerned about is we want to make certain we have the best financial arrangements for the state and also, for the owners of pubs and clubs and Federal, where they are as well. I do not feel confident I have enough information, and that is why I would really appreciate an inquiry through the PAC, looking at that specific side of it. Comment was made we have Treasury here to answer the questions. My concern is Treasury sometimes are there to provide the answers to policy framework the Government gives them, that this is what we want to happen and this is how you have to defend it. And is this okay? Is that a different question I would ask Treasury if I was in the inquiry and said, 'Well, is there a better way of doing this? Is there more return for the state? Is this the best model that has been put on the table?' They are the sort of questions you can get through an inquiry process, where you cannot get them here. Members are

basically supporting the Government here, and will be supporting the policy framework and the bill in front of them because that is the framework they were given.

It is important for us to make sure we have questioned all of those things to make sure it is the best deal. I agree with somebody who said, 'Federal have played the cards that have been dealt with them over the last 20 years. It was not Federal's concern. That is what they were asked to do and they have done that.' But we have to make certain in the next 20 or 30 years, that the group there - that the state has got its proper return and has exercised that power correctly. That is why I would appreciate members to support the Public Accounts inquiry with a limited term of reference, as suggested by the member.

Amendment agreed to.

Mr PRESIDENT - The question is the motion as amended be agreed to.

The Council divided -

AYES 6	**NOES 8**
Ms Forrest	Ms Armitage
Mr Gaffney	Mr Duigan
Ms Rattray (Teller)	Mrs Hiscutt
Dr Seidel	Ms Howlett
Mr Valentine	Ms Lovell (Teller)
Ms Webb	Ms Palmer
	Ms Siejka
	Mr Willie

Motion negatived.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

In Committee

[7.52 p.m.]

Madam CHAIR - Before we start what is going to be a long, somewhat tortuous process in some respects, I want to remind members this is not an opportunity to do second reading speeches. They have all been done. It is about asking questions about provisions of any particular clause as the clauses are read. Where there are amendments proposed, it is reasonable to speak to the amendment, but not to prosecute a debate that has been had in the second stage, other than to outline the key matters that relate to the amendment.

There are a number of new parts being proposed, and some of those will relate to other provisions within the bill. There will be some latitude around that, to give a member a chance to explain how a new clause will fit in with a provision that is being amended. We may need to take it slowly to make sure we do it right and everyone gets a chance to have their say, but I

will be seeking to avoid repetitious argument and points, and will not be accepting second reading speech-type presentations from any member.

Clause 1 agreed to.

Clause 2 -
Commencement

Mr GAFFNEY - The question I have relates to the answers we received in *Hansard* and that were tabled.

Madam CHAIR - Prior to the debate.

Mr GAFFNEY - Yes. Just to let people know, in my second reading speech I highlighted 15 to 20 questions from somebody who is well versed in legislation in other states about all the myriad different time frames it would take to get passed. The response from the Leader is this:

> The timing and process for the tender of the monitoring operator licence was also the subject of debate. I am advised that if the bill passes the parliament this year there is sufficient time. It is worth noting that the Tasmanian and Victorian contexts are very different. While Victoria may have taken 3.5 years to undertake its tender, it is worth noting that in New South Wales its tender process took approximately 10 months. Tasmania is in a fortunate position to take on board the learnings from these jurisdictions.

In the questions I highlighted in my second reading speech, it clearly demonstrated - from a person who is well researched in that area - the different amounts of issues, structures, strategies, learnings and whatever, that it had to go through.

The only place I see that I can raise this is at Commencement, where it says:

> Part 3 commences on 1 July 2022.
>
> Parts 4 and 5 commence on 1 July 2023.

It was clearly raised in my second reading speech that there is no way that this expert who has looked at these bills thinks Tasmania is satisfied or can reach those deadlines.

Madam CHAIR - Do you have a question about that?

Mr GAFFNEY - My question would be, what happens - parliamentary and process wise - if, on the dates, as outlined in the bill, they do come back and it is not ready to go ahead at that stage - what is the backup or the contingency plan, and what is the parliamentary process if they cannot meet the deadline? That it is in the question of the Leader.

Mrs HISCUTT - I will seek some advice, Madam Chair.

I draw the member's attention to clause 176, Part 4 - the whole section from page 234 - transitional monitoring operator's licence. It goes through to say what would happen in the

case. Subclause (2) talks about the changeover day for a period not exceeding 12 months and then subclause (4) of 4, this is on page 235:

> Unless sooner cancelled or surrendered, a transitional monitoring operator's licence granted under subclause (2) expires on the earlier of the following events:
>
> (a) the end of the term for which the licence was granted;
>
> (b) 30 June 2024.

There are provisions there for an extension for the current operator to go over the 12 months.

Mr GAFFNEY - My final question to this area here was raised; again, I believe this is the only place I can raise this, Madam Chair. I will stand corrected if it is somewhere else.

One of the questions that was raised was an extra $500 000 for the Tasmanian Liquor and Gaming Commission (TLGC) was mooted. It has been suggested that it is nowhere near enough to carry the staff who will be required for the TLGC to meet that time frame.

I imagine it is the number of staff that can get the job done by the time the time frames are in place. What would be the situation if the TLGC needed more staff to be able to meet the deadlines? How does that work?

Mrs HISCUTT - The $560 000 refers to ongoing post-2023. Treasury has other funding adequate to cover transitional costs.

Dr SEIDEL - In response, given the answer to the member for Mersey, the Leader mentioned that there will be transitional arrangements in place and she referred to page 234 but again under part 4 there is also allowance for transitional monitoring operator's licence. They expire by 30 June 2024. What happens if by 2024 at the latest, nothing has been put in place? Are those transitional arrangements continuing for yet another year? Is there a different expiry date after all or does it refer to a completely different aspect of the bill?

Mrs HISCUTT - The expectation is that it will all be done by June 2023. This provision here is to give an extra year if required but the expectation is that it will be done by June 2023.

Dr SEIDEL - If that is the case then again subclause 4(2) on page 235 all needs to be changed because it says if a transitional monitoring operator's rights for a period not exceeding 12 months. That is probably then a redundant clause altogether. I know that is the expectation that by 2024 things are being set but it may not be and the bill will then not cover it. The question is, is the Leader of the Government concerned about provisioning the bill under subclause 4(2)?

Madam CHAIR - Clause 176 you are referring to which may be a better question for then but I will just let the Leader respond on that if she wishes.

Mrs HISCUTT - I have been advised that the clauses do operate the way that I have indicated. Subclause (4) is a provision in case there is another year necessary. We do not

anticipate that being needed. My advisers are very comfortable. After having consulted with OPC on this bill for many months we are happy and comfortable with our clauses.

Dr SEIDEL - It is my third call. Specifically, what happens if no arrangements are being put in place by 30 June 2024? Things might happen. Pandemics happen. Things might be delayed for other reasons. What will happen if nothing has been put in place by 30 June 2024?

Madam CHAIR - It will probably be back here I reckon.

Dr Seidel - I think that is a reasonable question.

Mrs HISCUTT - As I have said before, it is anticipated it will happen on the day, in 2023 and the provision here is for an extra year. If there are any problems after that - I'm crystal ball gazing here, Madam Chair - what would happen it might come back to parliament but it is crystal ball gazing.

Ms WEBB - Madam Chair, I have an amendment to clause 2 as follows:

Clause 2, page 14, subsection (3).

Leave out the subsection.

Insert instead the following subsection:

(3) The following provisions commence on 1 July 2023:

(a) sections 4 (except for section 4(f)), 6, 9, 10, 11, 12, 22, 23 (except for section 23(b)) and 24;

(b) Parts 4 and 5.

I have an amendment to this clause and I will just explain it because it is a little bit complex in the sense of why I am seeking to amend this clause. It relates to another matter that I am seeking to bring into the bill.

Essentially, the amendment that I am bringing is to change this not just have Parts 4 and 5 commence on 1 July 2023, so it is to move some other parts of the bill towards that date, too, and have them commence on 1 July 2023 instead of immediately on Royal Assent. Those parts relate to simulated racing being expanded into other venues. The way the bill had been drafted that could happen on assent - so, sooner than 1 July 2023.

What I am seeking, fairly straightforwardly, is for those parts of the bill - the list that you will see in the amendment of different sections, different clauses - is to have everything that relates to that expansion of simulated racing to begin on 1 July 2023.

It is quite modest, and this is the reason I am looking to do it. It relates to a new subclause I am seeking to bring to the bill, a new subclause (f). I will just explain the new subclause (f) to you briefly - not that we will be debating it now - but so you understand why I would like to delay the onset of some of the clauses relating to simulated racing.

New subclause (f) relates to having the minister ask the Liquor and Gaming Commission to undertake an investigation about the introduction of two things: the fully automated table games to casinos, and the simulated racing games to expanded venues in our state. This would happen within 30 days of Royal Assent - that the minister would ask the commission to do that investigation and provide a report to the minister by 30 September 2022.

The reason I am bringing this new subclause (f), with that in it, is because this is a new environment to put this product in this state. I did note that in the first round of concentrating on the framework for this bill, back in March 2020, the submission from Communities Tasmania raised concerns about both the introduction of fully automated table games to casinos, and also this expansion of simulated racing. Communities Tasmania specifically said in their submission, just so you are aware:

> Communities Tasmania notes that the introduction of fully automated table games (FATGs) in Tasmanian casinos may potentially cause gambling harms. As FATGs do not require a dealer, the opportunities for appropriately trained staff to identify and address signs of problematic gambling behaviour amongst players are reduced. Additionally, the introduction of FATGs provides the potential to increase the rate of play, thereby intensifying gambling engagement and increasing the potential for gambling harms.

This is the bit that I particularly wanted to draw your attention to:

> Communities Tasmania notes that the introduction of simulated racing games (e.g. Trackside/Racetrax) into hotels, clubs and other gaming venues has the potential to cause gambling harms. Communities Tasmania has previously expressed concern regarding the visibility of Keno in family sections of hotels and clubs. The introduction of simulated racing games in similar areas may have similar impacts in terms of normalising gambling for children and minors. Even if restricted to the gambling areas of venues, the introduction of a new product may also result in some community harms.

That was from Communities Tasmania, as part of one of the consultation processes about the framework for this bill, or to give effect to the policy behind this bill.

My new subclause (f) is about taking a pause and saying, let us have the minister ask the commission, our independent expert body, to provide an investigation and a report on that circumstance, perhaps to best advise us what we might need to put in place around that through regulation or other arrangements. Then we could have all the provisions to do with simulated racing, and that expansion, be slightly delayed through to 1 July 2023 in their commencement, to allow for that review to happen and to inform us.

I hope that has given members enough understanding of the amendment I am seeking on this clause - the delay in commencement for certain parts of the bill that relate to simulated racing being expanded - for that potential new clause to have a review done by the commission, the independent experts, on that expansion. I am happy to answer more questions in further calls.

Ms RATTRAY - I was just going to ask a question of the member; perhaps the Chair may be able to answer it as well.

Why would we not postpone this clause, and then deal with the new subclause (f) when we get there, so we can have this substantive debate? I feel like we are being asked to support something or not and then we are going to have to come back and revisit it at a later time if subclause (f) gets up. So, that is my question and that may well be to you, Madam Chair.

Madam CHAIR - That is an option, to postpone the clause. We did go through the clause because there are other questions on this clause before that amendment was put. There is a complication with this one, because it is a new clause you have to deal with all the other clauses first. You cannot postpone a clause until after the new clause is dealt with because you have to deal with all the clauses, then any new clauses and then the schedules, but I do not think there are any schedules on this.

Member for Nelson, this actually does affect a new clause, does it not? This is new clause (f). We do need to deal with this.

We can have a substantive debate here because if this is not supported then that new clause becomes redundant.

Ms Webb - No, this one does not actually. The new subclause could still stand, it is just that this amendment allows time for it to occur without it impinging on current events, if you would. I would still bring new subclause (f) even if it was not supported but they are linked because new subclause (f) is the reason I am bringing this one.

Madam CHAIR - We need to have a substantive debate now on the question to see how itit goes from there. I will call the member for Rumney if she has a question or comment.

Ms LOVELL - I did have a question for the member for Nelson. I think you have answered that question, but it was really to clarify whether the new subclause (f) was contingent on this being supported or even if this amendment was not supported you would still move new clause (f) to instigate a review by the commission, but I think you have answered that.

While I am on my feet, if I say that you confirmed before you would still move new clause (f), even if this was not supported -

Ms WEBB - I would still move new subclause (f) even if this is not supported, because it would still be relevant to have that review. Even if the expansion has already begun to occur because we would still want to be looking for ways to ensure that is done well. It would make sense to let the experts do the review before we begin the expansion in the first instance.

I am not quite clear. I expected to prosecute the case more fully for new subclause (f) at this point in time to engage with members more about that.

Madam CHAIR - You made it clear that even in spite of the amendment you have got before the Chair now, even if that is not supported you will still proceed with new subclause (f). So, you have explained the purpose of delaying the commencement, you need to now prosecute that case for that.

Ms WEBB - Okay, I have probably prosecuted that case sufficiently. If there are other questions on it - I guess one question is, is there anything untoward about delaying these particular sections, instead of coming into play on Royal Assent, coming into effect

on 1 July 2023 with other parts of the bill as they are? Perhaps the Leader could shed light on that for us because I am sure members will be interested to understand those implications too. Certainly, my drafting instructions on this were simply to have those elements related to the simulated racing delayed for their commencement until the same as with Part 4 and 5, 1 July 2023.

Mrs HISCUTT - The new subclause (f) is the commission will investigate licences at any time and will do so before any of these licences are issued, but at various times simulated racing games have operated in Tasmania, both casinos, on the first *Spirit of Tasmania* vessels and at a number of totaliser outlets. Under current legislation casinos have an exclusive right to operate simulated racing games. As part of the gaming reforms, arrangements will be changed so simulated racing can be offered in authorised TAB locations complementary to the live race wagering service already offered.

During the several years simulated racing has operated in Tasmania there has been no evidence of harm occurring. Treasury consulted with other jurisdictions, the ACT, New South Wales, Victoria, Western Australia and Queensland where simulated racing operates, to gain evidence of impacts. These jurisdictions have not experienced any indication or evidence of increased harm from simulated racing and there have also been no concerns with respect to compliance.

Fully automated table games currently operate in other jurisdictions throughout Australia. The Government's decision to allow FATGs to operate in Tasmania is in line with the recommendations of the joint select committee which included the casino-based gaming products in Tasmania be reviewed against the product range permissible in other states. Regulations will provide for limits to be imposed on the number or ratio of FATGs to traditional table games that can be operated by the Federal Group. The operation of FATGs and simulated racing games will be regulated by the Tasmanian Liquor and Gaming Commission. FATGs will be subject to the existing protection controls for gaming under the Responsible Gambling Mandatory Code of Conduct for Tasmania, along with any additional measures specifically imposed in the commission's rules, technical standards and approved game rules.

Madam CHAIR - Whilst the Leader is on her feet, I believe you have answered the question relating to new subclause (f). You have not really addressed your response to the amendment before the chair about the delay of the commencement dates.

Mrs HISCUTT - With regard to that particular question, the commission will determine requirements for simulated racing or FATGs prior to issuing any licence and so, a delay would not be required for them to properly do their work.

Ms WEBB - To finally speak on this one, clearly this bill allows for new arrangements to come into play around the FATGs, but also the simulated racing. This slight delay to commencement around the simulated racing aspects, which the Government has not confirmed there is any issue with, there is no negative implications for that as far as the Government has so far advised in relation to my question. That allows for and I know we will consider it later, the eventuality under new subclause (f) where the minister would task the commission with investigating and reporting on those elements allowed in the bill.

The reason that is different to the Government having Treasury investigate that behind the scenes and inform its policy, is that process will be done by an independent entity, that is

the commission, and will be done in a way that becomes a more publicly accountable way to assess the impact of those things and suggest ways forward to ensure we are doing as well as we can around their implementation and safety. This amendment I am suggesting on clause 2, which is straightforwardly simply delaying the commencement date of those elements relating to simulated gaming does not interrupt the structural changes that are fundamental to this bill; it does not interrupt what needs to happen around LMOs being tendered for and appointed; it does not interrupt transitional arrangements for venue licensing; does nothing to interrupt the ongoing preparations for this change coming forward. It meets the objects of the act, particularly given the parts from the Communities Tasmania submission that I read out, where the potential for harm had been identified by a government department. Given that one object of this act is to protect people from being harmed by gambling, it is highly relevant that we do something as minimal as allow time for a structured and accountable process to ensure that we are meeting that object of the act - to protect people - when we are doing something new. Whilst simulated racing may be in some venues at the moment, it is not out and about in the community in hotels in the way that it will be allowed to be under this act. I encourage members to consider this as an amendment.

The only reason not to support it is if there is a burning reason for simulated racing to be expanded to those venues really quickly on Royal Assent rather than on 1 July 2023, which is not that much more than 18 months away - 20 months away.

If there is a burning reason that we need to expedite that expansion, I would like to hear it. Of course, the industry, I am sure, would like to expedite it. It is going to be another source of revenue when it does happen; that is understandable. We would expect the industry to prosecute that argument if they were here, and no doubt they have prosecuted it to government successfully. However, I would like us to consider the opportunity to very modestly delay some parts of this bill that relate to that expansion and allow for the potential for the independent consideration and advice to come through what is proposed in new subclause (f).

Ms RATTRAY - I have a couple of questions on this and one might be to the Leader. When is Royal Assent likely to occur, should this go through this process - whatever hours that might take? Is that something the House can be informed of?

My question to the member proposing the amendment is that we have had quite a bit of focus on the simulated racing, but this also relates to the fully automated table game machines (FATG) to casinos.

I am interested in why they are put together. Is the focus really on the simulated racing or is it on both?

Ms Webb - I cannot return to my feet because I have had my three calls. I believe that those sections are relating to simulated racing. New subclause (f) relates to both, that the review the new subclause (f) seeks to put in place from the commission - I will be interested to hear the answers from the Leader on your other questions about that.

Mrs HISCUTT - The question that was put to me was - when will the bill reach Royal Assent? We anticipate it will be very soon after the bill passes this House.

Madam Chair, the Government has nothing more to add to this amendment. We have tabled what we had to say; other than to say, we do not support the amendment and I encourage members not to.

Ms Rattray - Before the Leader takes her seat, can you re-read what you said in your response to the member about this product already being available in venues?

Can I get that answer to process it again?

Madam CHAIR - I think that information was also in the tabled responses.

Ms Webb - It was. It was in the tabled responses.

Madam CHAIR - It is all available in the tabled responses.

Ms Webb - We will no doubt talk about in new subclause (f).

Ms LOVELL - Madam Chair, I want to be clear to the member for Nelson about where we are going with this. I am inclined not to support this amendment, but I want to be clear that does not mean I do not support having a review of the expansion. I consider it would make more sense to have a review when there is something to review, so we can look at how it is working and operating. I will not be supporting this amendment, but I look forward to the debate on new subclause (f) and hearing the arguments that are put at that point.

Madam CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 4	**NOES 9**
Mr Gaffney (Teller)	Ms Armitage
Dr Seidel	Mr Duigan (Teller)
Mr Valentine	Mrs Hiscutt
Ms Webb	Ms Howlett
	Ms Lovell
	Ms Palmer
	Ms Rattray
	Ms Siejka
	Mr Willie

Amendment negatived.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4 -
Section 3 amended (Interpretation)

Ms WEBB - Thank you Madam Chair. I have an amendment to move on this clause. I move -

First amendment
Clause 4, page 15, paragraph (a) -

Leave out the paragraph.

Insert instead the following paragraph:

(c) by inserting the following definition after the definition of *foreign games permit holder* in subsection (1):

fully-automated table game machine means an electronic gaming system or equipment that allows one or more persons to play a game that -

(a) imitates a type of game played at a gaming table; and

(b) can be played -

(i) from one or more terminals; and

(ii) without being conducted by a casino employee;

Second amendment - I probably should say this is the set of amendments that you have, which is about 10 pages long. They are all consequential to each other, so you will be happy that we are dealing with them with this first bit - not the main document that you received; the 10-page document that came as another separate document.

Madam CHAIR - Order. I need to look at whether we need to just do one or two together here.

Ms WEBB - All of these are connected to each other, Madam Chair.

Madam CHAIR - If they are all linked, and you move this first one and it fails, there is no point moving the rest. Is that correct, as I understand it?

Ms WEBB - Sure, if people are happy with that not being read out.

I had this series of amendments drafted that all relate to fully automated table games and simulated racing - not connected to some other amendments I also have on those topics.

This series were ones I had drafted as a set, based on concerns raised by a number of stakeholders about the presence of those forms of gaming in the bill and what it gives effect to, in terms of their expansion beyond - are they currently present in the state? So, this series of

amendments is to remove those two forms of gaming from the bill, and to explicitly not have that expansion that is allowed in the bill to occur.

I am going to speak to that for a bit, to explain the thinking behind this series of amendments that would look to do that.

Simulated racing is another fast gambling product. It is similar, in a way, to an EGM or a poker machine, in that it is a fast and high-intensity way of gambling. It is done as a random number generator, in the same sort of way as that kind of electronic gaming machine is. Simulated racing is very appealing and enticing to watch. It is very realistic looking, but it happens with rapid frequency. People can be engaged in quite a hypnotic way with it, similar to other electronic forms of gambling.

Fully automated table gaming is another fast gambling product. These are the reasons why a range of stakeholders raised concerns about expanding these forms of gambling into our community beyond where they are available now. That is explicitly allowed in this bill.

Fully automated table gaming is not good for industry, or consumers really, in the sense that there is no ceiling for maximum bets, it does not require a human operator, they are proposed to be taxed at a lower rate than pokies - even though they are just a random number generator, like a poker machine, and it would appear there is no limit on the number of terminals permitted.

My understanding is that currently there is no specific provision for fully automated table game machines under the Gaming Control Act - but technically, they could potentially fit into the current definitions. What my amendments are seeking to do is to remove them from the act and prohibit them explicitly beyond where they are currently in place.

I believe this series of amendments, which looks to give effect to what those stakeholders had called for - not expanding either of these two high-intensity rapid gambling products - would have no negative impact on our community, or on our government on our behalf.

It allows for some thought to be put into the circumstances that may one day go into the introduction of these products more broadly, but puts it on hold for the time being, because I do not believe, with the concerns raised - including by another government department, Communities Tasmania - that we have actually addressed whether it is in our community's best interests to allow the expansion that currently is in the act.

To do this with this series of amendments I think meets the objects of the act. It goes to that protect mechanism in the objects of the act. It goes to elements around supervision and control of gambling, because it is mindful of not introducing new rapid forms of gambling that Communities Tasmania have warned may drive higher levels of harm. It does not disrupt the structural changes of this bill and this policy - things like the tender for the LMO, the preparation for individual licensing of venues. None of that is interrupted by this series of amendments to give effect to this intent that I am presenting.

To expand further on the concern that Communities Tasmania raised - which I already spoke to in the previous amendment - around both these forms of gambling and their introduction at the first consultation in March 2020, we have also heard from Dr Charles

Livingstone raising concerns about these forms of gambling and their particular appeal to young people.

The Government said it has consulted with other jurisdictions, but unfortunately, we do not know who has been consulted in other jurisdictions. We cannot see evidence about harm or no harm. We cannot actually contemplate that information, because it has not been provided to us. Clearly, it had not been shared with Communities Tasmania, who raised the concerns.

I am interested in evidence. When I did go looking for information about these electronic rapid forms of gambling and asked Dr Charles Livingstone about it, he pointed to a study called 'Crimping the Croupier: Electronic and mechanical automation of table, community and novelty games in Australia'. I will read a tiny piece from that academic literature in order to explain the concerns that have been raised around these forms of gambling. I quote:

> Visual displays and intricate graphics increase player engagement and can result in greater betting persistence (Ladouceur & Sévigny, 2002); while auditory features, particularly when paired with winning outcomes, increase arousal, anticipation and urgency resulting in the reinforcement of faster, more excessive gambling (Delfabbro, Flazon, & Ingram, 2005; Dixon et al., 2007; Griffiths & Parke, 2005; Parke & Griffiths, 2006; Spenwyn, Barrett, & Griffiths, 2010). Together, dynamic computerised graphics and event-dependant sound effects can give the impression that gambling is a lucrative and exciting experience, enticing people to gamble while stimulating gambling persistence (Griffiths & Parke, 2005; Parke & Griffiths, 2006). Traditional products generally rely on gambling environments to provide sensory stimulation. Automated products offer an opportunity to incorporate rich graphics or auditory features that may increase betting intensity and persistence.

There were some academic references in that quote that I did not read into the record, but I will provide so it can be in *Hansard*.

This series of amendments is to give effect or give voice to those concerns that were raised by a range of stakeholders, to not include the expansion of these to more dangerous and more high-intensity forms of gambling in the bill.

I am happy to engage further with members who have questions on it.

Mrs HISCUTT - Madam Chair, the Government has already tabled its response on simulated racing games and FATGs so I will not repeat that. I note that regulations can be made to limit the number of FATG terminals and FATGs could be licensed now so removing these clauses will not change anything. It was a policy decision that was made. The policy position was that these would be allowed and we do not support this amendment.

Ms WEBB - As part of the series of amendments there is one that would explicitly - because at the moment implicitly, FATGs could be allowed. One of the amendments makes it so that it cannot be. It closes that door that could be open beyond where it is now.

I do have other amendments on these forms of gambling if this one is not supported. However, this gives effect to the concerns that were raised. I encourage members to think

carefully about the introduction and expansion of these new forms of gambling. I wonder whether, if we looked back now knowing where we are with the introduction of poker machines into our communities, when we allowed that expansion beyond a casino-confined environment into our communities, if that came to us today, would we have more pause than maybe was had then. This could be another moment in which we have an opportunity to have pause and more thoughtfully look at the introduction and expansion into our community of high-intensity gambling products.

The Committee divided -

AYES 4	**NOES 9**
Mr Gaffney	Ms Armitage
Dr Seidel	Mr Duigan
Mr Valentine	Mrs Hiscutt
Ms Webb (Teller)	Ms Howlett (Teller)
	Ms Lovell
	Ms Palmer
	Ms Rattray
	Ms Siejka
	Mr Willie

Amendment negatived.

Madam CHAIR - Member for Nelson, that means the rest of those are not relevant now in that clause. Is that correct?

Ms Webb - Yes.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8 -
Section 65 amended (Provision of information relating to special employee)

Mr VALENTINE - I am interested in section 65, the principal act is amended by omitting subsection (2), and that is a penalty section. I am wondering why the penalty has been taken out of that? Perhaps it can be explained?

Mrs HISCUTT - The current requirement for venue operators to advise the commission when an employee commences or ceases work with the operator is considered an overly prescriptive requirement and an unnecessary burden on industry. The commission is more interested in ensuring that special employees are appropriately licensed than the specific workplace of each person. Provisions requiring special employees to undertake responsible

conduct of gaming training will remain. The requirement is unnecessary red tape for little benefit and is supported by the commission as part of modernising the act and making it more principles-based and less prescriptive.

Ms WEBB - I have some questions on that to understand it better. In making this change, how will the gambling commission as well be assured that the special employees are properly trained and that is being kept track of in the same way that it would have been under the existing arrangements that are being dispensed with?

Mrs HISCUTT - The compliance inspection regime will make sure that that is right and the operator will have to satisfy the compliance inspector that things are in order.

Ms WEBB - In terms of that, the compliance regime and inspecting regime:

(1) What will that look like under the new arrangements?

(2) How often would a venue be inspected, if that is the right way to phrase it?

(3) How often would those checks occur in the workplace?

(4) Do inspectors, if they are inspecting, just check on the current staff who are rostered on at the time to make sure that they are compliant with the training?

(5) Do they check the staffing lists to ensure that all staff are, as part of their regime of inspecting?

(6) Where is it reported that compliance is actually being adhered to by venues through that inspection regime?

Mrs HISCUTT - This clause relates to starting and finishing at the premises, not training requirements. Responsible conduct of gaming training is still required. Inspections are carried out at a minimum of annually. Inspection check lists are recorded into the gaming regulation information system and exceptions reported to the commission if disciplinary action is required.

Ms WEBB - To follow up, does this mean the commission is no longer notified when an employee starts or finishes with a business and that is not going to be kept track of in the same way? Venues will have employees who will be required to have done their special employee training, required to be competent - which we will get to in another clause - and the venue will be inspected once a year to check that is the case from what I gather and from what you have just said. One check in a year and again the question I put to you before was, is that to check on the staff that are rostered on at that time, is the business audited against all staff that are currently employed? It is a shame I have had to repeat myself with the questions. The other thing, is it expected under the new model a more intensive regime of auditing or inspecting will be required, given venues have higher responsibilities and may be operating in different ways with their individual licensing? Does this annual check reflect the current arrangements and does that mean current arrangements will stay or will they be increased under the new model?

Mrs HISCUTT - I will seek some advice. The Government does not have a lot more to add to that, Madam Chair. There will be additional resources there to make sure inspections

are carried out correctly. Workers will be inspected as and when necessary. I do not think the Government has any more to add to that.

Ms Webb - While the Leader is on her feet, through you Madam Chair, I asked specific -

Madam CHAIR - No-one is on their feet, I am sorry.

Ms Webb - And I have lost my call because that was my third call so you neglected to answer through two of my three calls, neglected to answer about inspections.

Madam CHAIR - Order.

Mrs Hiscutt - The Government has nothing more to add.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 -
Section 76O amended (Application for new gaming endorsement)

Ms RATTRAY - Clarification required in regard to this is an application for new gaming endorsement and (3) says:

> A licensed provider may only apply for a simulated racing event endorsement if -

And it goes on to say:

> (a) the provider's Tasmanian gaming licence is endorsed with a totalizator endorsement; or
>
> (b) the licence provider is also applying for a totalizator endorsement.

Does that mean it has to be at least a dual process if they do not already have unendorsed totalisator endorsement when they are applying for an application for a new gaming endorsement? It says you can only apply if 'the licenced provider is also applying for', because you have to have that totalisator endorsement. Would it be a dual process?

Mrs HISCUTT - I think the member understands yes, you have to apply for both.

Ms WEBB - I have a couple of questions. One relates to the endorsement for introducing simulated racing to venues. I am wanting to clarify more explicitly, where did the proposal to do this extension, expansion to simulator racing originate? Was it requested by particular stakeholders? Is it expected to influence engagement with live racing or with other forms of gambling? How will it sit alongside other forms of gambling in terms of influencing participation? How specifically and who specifically would be controlling and monitoring the introduction and then the ongoing situation of that simulated racing in these environments? What regulations are anticipated to be required to sit around that? When it comes to simulated racing, what event frequency will be allowed and could you provide some more information specifically about the ownership of the licences in this sense? Is it the individual venue who

owns the licence for simulated racing or essential organisation or how does that relationship look? Some more detail on that, thank you.

Mrs HISCUTT - Simulated wagering is a product that will sit within the TOTE products. The commission is able to apply mitigation and protection controls, such as restricting the location of viewing screens. The operation of simulated racing will be regulated by the commission and will be subject to the existing protection controls for terrestrial wagering under the Responsible Gambling Mandatory Code of Practice for Tasmania, along with any additional measures specifically imposed in the commission's rules, technical standards and approved game rules.

The maximum number of racing events that will operate each day will depend on a number of factors, including the minimum duration of each game and time between each event. These matters, which are also harm minimisation controls, will be determined by the commission and enforced through the Tasmanian Gaming Licence Technical Standards and specified in the game rules. Should UBET TAS apply for a simulated racing event endorsement and the commission approves it, the authority and responsibility to operate simulated racing events will reside with UBET TAS under its existing Tasmanian Gaming Licence.

Ms WEBB - To clarify that, the commission will have the task of and the ability to specify features of those simulated racing games that are recognised to be harm minimisation features, like the event frequency and the time between games and how long the games go? Those game features will be able to be set as requirements by the commission and documented in something like the mandatory code. I think you mentioned something else, perhaps you could repeat it for me? I just want to clarify that is the case, that the commission, for this form of racing, can dictate the game features that relate to known harm minimisation efforts?

Mrs HISCUTT - It is the commission's rules, technical standards, that the member was looking for and the answer that the Government has provided is fairly well along the same lines as you understand.

Clause 10 agreed to.

Clauses 11 and 12 agreed to.

Clauses 13 to 15 agreed to.

Clause 16 -
Section 76ZZG amended (Approval of gaming equipment)

Mr VALENTINE - This is just to have placed on the record the question I asked during briefing. It was on clause 16(a)(7) page 23, why revocation was not included there but is included under 15(c)(7), by inserting the following subsection after subsection (6) the amendment or revocation of an approval under this section takes effect. Under the one I am asking about it is the amendment of an approval under this section takes effect. It is nothing to do with revocation.

Madam CHAIR - So can I take that that was a little chat to yourself and there was no question?

Mr Valentine - No, it is a question.

Madam CHAIR - What is the question?

Mr VALENTINE - Why is 'revocation' not in 16(a)(7)?

Madam CHAIR - Right. Have you got that, Leader?

Mrs HISCUTT - Yes. I am seeking an answer hopefully, Madam Chair. The revocation is needed in the other one but it is not needed here because the approval ceases to be if the equipment is varied in a material way. Therefore, it is not needed here but it is needed in the substantive act.

Clause 16 agreed to.

Clauses 17 and 18 agreed to.

Clauses 19 and 20 agreed to.

Clause 21 -
Section 127A inserted

Ms WEBB - Madam Chair, I move the following amendments -

That clause 21 be amended by -

First amendment
Page 26, proposed new section 127A, subsection (1).

Leave out the subsection.

Second amendment
Page 27, same proposed new section, subsection (3), paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph.

(a) to carry out, in relation to the relevant matters, an investigation into the implementation of all appropriate harm minimisation measures in casinos, hotels and clubs; and

Third amendment
Same page, proposed new section, subsection (4), paragraph (a).

Leave out 'technologies'.

Insert instead 'measures'.

Fourth amendment
Page 28, same proposed new section, same subsection (4) paragraph (a).

Leave out 'problem'.

Fifth amendment
Same page, same proposed new section, same subsection, paragraph (b).

Leave out 'technologies'

Insert instead 'measures'.

Sixth amendment
Page 28, same proposed new section, same subsection, paragraph (c).

Leave out the paragraph.

Seventh amendment
Page 28, same proposed new section, subsection (4), paragraph (d).

Leave out 'technologies'.

Insert instead 'measures'.

Eighth amendment
Page 28, same proposed new section, subsection (4), paragraph (e).

Leave out 'technologies'.

Insert instead 'measures'.

Ninth amendment
Page 29, same proposed new section, subsection (6), paragraph (a).

Leave out 'technologies'.

Insert instead 'measures'.

As members may be aware, this relates to an amendment that was made in the other place which brought this clause into the bill, section 127A inserted. You would be aware it relates to the commission being given a direction to investigate and report on facial recognition and card-based play. Quite simply, my amendments seek to broaden that from those two specific technologies to 'harm minimisation measures'. Hence, all the 'removing technologies' and 'inserting measures'. Those particular amendments that I have just read out.

The other part of the amendments to this clause that I am bringing relates to the utilisation of the term 'problem' in relation to problem gambling. Let me speak on that as well.

I will speak on the first element which is the broadening from two technologies to measures and then to speak on the change of that terminology relating to problem gambling.

We do not have to pick and choose when it comes to harm minimisation measures. We should be informed by the best expert advice and evidence base. If we are to have the commission tasked with providing an investigation and a report on measures, there is simply no reason to limit the scope of that to two particular technologies.

This would allow the commission to exercise its independent expertise and consider a range of measures and come back to government but also to the public to advise on the measures that would be best indicated. It does not mean they cannot look at facial recognition and card-based play as options. Certainly, they would be regarded as part of a suite of options that may be considered. It just means that the commission has the opportunity to look further than just those two measures.

It does not in any way interrupt the structural changes that this bill is seeking to provide. The inclusion of this direction and any adjustments we may make to it through this amendment have no impact on the structural process of the reforms in this bill.

It gives effect to the objects of this act more explicitly and comprehensively and points especially to the object of the act being to protect people from being harmed by gambling. This will result in the Government being able to consider a more comprehensive report from the commission on potential harm minimisation measures, particularly ones that might work well in tandem.

It also brings into play the object of the act which is about ensuring returns are shared appropriately. We can all acknowledge that if we are effective in our harm minimisation, we are ensuring that the returns are not inappropriately coming predominantly from people who are being harmed. I believe these amendments give effect to the objects of the act more effectively than that section as drafted.

I also believe it gives effect to matters that arose in a joint select committee process which the Government likes to point to as the genesis for this policy and this bill. Finding number 30 from the joint select committee process mentioned that the Liquor and Gaming Commission has commissioned a review to identify additional harm minimisation measures that could be implemented.

I am not sure what that finding number 30 is referring to, in terms of the commission; if at that time there was an understanding that the commission was being directed to provide a review of harm minimisation measures, but it did not appear to come to light. This gives effect to that finding from the joint select committee back in 2016-17. I also note in evidence to that parliamentary committee the Liquor and Gaming Commission said, and this is from page 199 of the committee report, and I quote:

> Specifically, the proposed model …

And when they say, 'the proposed model', for clarity, what they are referring to there is the Federal Group/THA model which then became this policy which has become this bill.

> … does not provide any enhanced harm minimisation initiatives that would protect vulnerable people from EGM use. At best, it is claimed that the model would not increase the incidence of problem gambling.

And then in relation to the proposed model as well, the commission said this:

> It is claimed, without evidence, that moving to this model "will not increase the incidence of problem gambling". The commission considers that the

> incidence of problem gambling in Tasmania is not insignificant and that there is nothing in the proposal that addresses this.
>
> The TLGC has a long record of dealing with licence breaches by individual venue operators despite strong harm minimisation measures contained in Commission Rules and the Responsible Gambling Mandatory Code of Practice.

That is page 202 of the Joint Select Committee Report.

The Liquor and Gaming Commission, I believe, makes the case well, for the need alongside this model - which is the model we are now seeing given effect to in the bill - the need for enhanced harm minimisation; and the commission is well placed to provide that advice.

Why would we constrain them?

We do not have to pick and choose. No-one has come from on high to say there must only be two things looked at.

Why would we think that in relation to any other dangerous product? We do not pick and choose when it comes to tobacco. We do not say we can only put warnings on packages but we cannot restrict where we sell them, or we cannot make them plain packaging, or we cannot say you cannot smoke with kids. Of course, we look at all the different measures around that product.

Why would we not look at all the potential measures around this product and have our independent experts advise us?

I believe that explains that the amendment in no way takes issue with the commission being directed to provide this investigation and report, and simply looks to adjust it to be more comprehensive, more in-line with the independent expertise that the commission has. I will also mention why I have the fourth amendment in that list that you will note relates to the removal of the word 'problem'.

To be clear with members here in the Chamber - 'problem gambling' is only used in diagnosis, otherwise the term 'gambling harm' is used. This responds to gambling harm being on a continuum. That is why we use the term, 'gambling harm'. It is understood to be a continuum. 'Gambling harm' is used as the term in our Gambling Support Program, so it is appropriate that rather than - just to clarify what it would read as instead. Subclause 4(a) would read - this is the investigation in relation to relevant matters and -

> (a) as to the extent to which the implementation, in casinos, hotels and clubs of appropriate harm minimisation measures may enhance the minimisation of the harm caused by gambling.

Simple as that. It is more reflective of current practice. It is more reflective of terminology used in our Gambling Support Program, and it is more reflective in what we know from evidence, in terms of where the harm lies. It does not only lie with those diagnosed or categorised through a prevalence study as being in a problem gambling category. The harm

lies across all at-risk categories. Victorian research from 2016 or it may have been 2017, told us that 50 per cent of the gambling harm sits with those who are in the low risk category, so that is that earlier iteration on that spectrum. If we are going to investigate measures that relate to harm minimisation, we need to be not confining ourselves to a category and a diagnosis of problem gambling. We need to think of a spectrum, and use terminology appropriately.

Mrs HISCUTT - We are talking about harm minimisation. Card-based play and facial recognition are the two harm minimisation measures that the minister believes could possibly have the best impact on reducing and preventing harm from gambling. The 2010 Productivity commission report concluded that measures to restrict the accessibility to EGMs, such as EGM caps, reduced operating hours et cetera, are unlikely to be as effective as introducing a full precommitment system. The key point raised was that implementation of an effective full precommitment system could make redundant some other regulatory harm minimisation measures, such as bans on ATMs or cash withdrawal limits.

The Productivity Commission report recommended that all state and territory governments should implement a jurisdictionally-based full precommitment system for gaming machines. In addition to the Productivity Commission findings on this matter, the most recent and relevant review into the harm caused by EGMs has found that card-based gaming would significantly reduce the incidence of problem gambling. The use of cards to collect player data and to introduce mandatory limit settings are both findings of the royal commission inquiry into the Melbourne Crown Casino. To put this into context, the royal commission found that Melbourne Casino has a higher number of problem gamblers than other gambling venues across Victoria, and the EGMs in the casino have features that particularly support fast-paced gambling. For example, unrestricted EGMs have no spin limits, no restrictions on note acceptors and no restrictions on maximum bets per spin. Despite these findings, the commission determined that card-based play was the most appropriate recommendation to address problem gambling. For those reasons, the Government will not be supporting this amendment.

Mr VALENTINE - I cannot see the reticence to put in measures instead of technologies, for instance. Measures encompass technologies, for a start, and there is nothing lost. I do not see the Government loses anything by agreeing to use the word 'measures' as opposed to 'technologies'. With regard to the word 'problem', I consider it is eminently sensible. It is less targeting of an individual sometimes, where it is used - you know, 'you're a problem gambler'. I cannot see why these amendments are not considered reasonable. To restrict the investigation to just those two things, I personally think that facial recognition might have some really bad aspects to it. People may indeed end up being alienated and somewhat isolated by the fact. They are going out with their mates, they go to the casino and, all of a sudden, bang, you are not allowed in, your face has been recognised, if that is the way it works. We know this is for an investigation, but it needs to be wider because it may be that facial recognition comes back as something that is not desirable. Other measures need to be investigated. Why restrict it?

To carry out in relation to relevant matters an investigation into the implementation of all appropriate harm minimisation measures in casinos, hotels, clubs, et cetera, is what the member is putting forward as an amendment and it is eminently suitable. We want a community protected as best we can and these amendments being discussed in clause 21 help to do that.

Mr GAFFNEY - I rise to support the amendments, although I do not think this is an either/or, technologies or measures. It could read technologies/measures, which covers the Government's concern about the technology behind it and also allows it to be more of a measure of what other things could be instigated in this area. There is no definition of either technologies or measures in the principal bill, they have been introduced in the amendment bill. My suggestion would be to allow both technologies/measures for further possibilities when there is further enhancement.

Ms Webb - Measures can incorporate technologies. There is nothing exclusionary about the term measures but there is with technologies, which I why I chose that to be inclusive.

Mr GAFFNEY - What I am hearing from the Government is they want the word 'technologies', so the compromise would be 'technologies/measures'.

Ms Webb - They do not want that, either.

Mr GAFFNEY - The Government is going to say no to measures. I will support technologies/measures. The wording for the problem, that is not correct. It should not be there, it should be taken out. If you read it, it says, 'may enhance the minimisation of harm caused by gambling'. We have already recognised with the word harm, minimisation of harm, of gambling, it does not need to also be 'problem'. I agree with deleting that. I do not see why the Government does not do that. I would support the words 'technologies/measures', which encompasses both. Otherwise, measures is not going to be there at all, technologies will be.

Ms FORREST - I will comment on the member for Mersey's comment first, then I will go to the comments I was going to make. All these amendments were moved as a batch; you would have to have an amendment to the amendment to achieve that.

In commenting on this amendment, I support this amendment in that I did find it interesting the Government said - this is the facial recognition and the precommitment card - they were possibly the best harm minimisation measures. Possibly, they are. We know from research and other experience there are a range of others that could be equally, if not more, maybe less, but still effective in reducing the harm that can be caused by gambling.

This is not a limiting amendment. It is an amendment that broadens the scope to enable all measures, whether you use technologies or measures, I hear what the member for Mersey says. That was my question to the member for Nelson: do measures also include technologies? Is there a perception that measures do not include technologies? It is a bit about language here. From my perspective, there is nothing to lose in this amendment in that it broadens the scope of a direction to undertake a review that includes facial recognition technology, precommitment card and many other measures that we know can be effective in minimising harm. I absolutely concur with the comments from the member for Nelson on the use of the word 'problem' if used contrary to all contemporary language around this matter.

The other point I wanted to make, and this is reflecting further on down the track, I have a new clause A amendment that seeks to amend the commission's power in establishing the codes of practice. I am alluding to it here because when we get to that I will take you more through the provisions in the principal act of section 112L(14) of the principal act where I am seeking to insert an additional definition of 'relevant matter' that the commission can look. This will include the functions and design features of gaming machines that increase the risk of

addiction of gaming machines and are likely to do harm or increase the risk of harm to users of gaming machines.

That gives the commission that matter to consider in determining the mandatory codes. I see this as a complementary factor in that without the amendment I am proposing in some respects there is not that provision for the gaming commission to include these measures, explicitly include them in their mandatory code of conduct. I wanted to make that point but this amendment provides for a broad look by the commission on all measures and/or technologies that may be useful in varying degrees to reduce the harm we know is caused by gambling to some people.

Ms ARMITAGE - Madam Deputy Chair, I do not have a problem with this amendment either. I, like other members, believe it actually broadens the scope. It does not rule out what is here already, facial recognition technology and restricted use cards. They are still able to be included and it simply adds other measures. I really cannot see the reason the Government is not supporting it because it is not ruling anything out and perhaps, ruling more things in. It is allowing them to have a look at other measures and I will certainly consider supporting it.

Mrs HISCUTT - Madam Chair, other matters can be looked at in the future that were framed, but at the moment I have read into *Hansard* what the Government's response is and we do not support the amendment.

Dr SEIDEL - Madam Chair, I rise in support of the amendment because it is entirely reasonable. If you have a look through the bill on page 27 it seems to me the Government is really in a hurry to provide the minister before 30 June 2022 with a report. I am a researcher myself; you do not get anything done in six months time. You cannot get a systematic review done let alone a narrative review. The sceptic in me would say the reason why they are given a short period of time is because there is no evidence for facial recognition in the first place, as we heard in the briefing from Professor Charles Livingstone saying that. The absence of evidence is not the evidence of absence. You give the Government the benefit of the doubt, but it does not make any sense.

The Government introduces selection bias here, introduces confirmation bias. They will look at something they already know is going to work or not going to work, do it in six months time. It is nonsensical. It does not meet the purpose objectives of the bill, protecting vulnerable people. It does not look at the evidence. It does not want to have a comprehensive report. It just wants a rubber stamp for two completely unproven technologies, so of course we should broaden it. We should look at all measures that are appropriate to meet the objectives of the act. I support the amendment.

Ms RATTRAY - Madam Chair, I also have some support for the amendments put forward. I recall the briefings and the industry was very keen to explore harm minimisation measures. They made that very clear in their presentation to the Council when we were briefed, so I certainly support that.

I have a question with regard to removing 'problem'. I hear what the member who proposed the motion, and then the member for Murchison in her contribution, said around contemporary language. I may well be reading this wrong, but if we remove 'problem', should we add to 'may enhance the minimisation of the harm caused by gambling to some'? Does this insinuate or say that all gambling is a problem? As we know, not all gambling is a problem.

I know we are looking at harm minimisation, but I felt that once we took out 'problem', if that is not the contemporary word, do we need to add 'to some'?

I would like the member to address her mind to that.

Ms WEBB - I thank members for their contributions and questions on this amendment, and the support for it from some members.

I have a few things to pick up on. If the Government is firmly of the mind that facial recognition and card-based precommitment schemes are the best options going forward, then they will have absolutely no problem at all having them considered amongst a suite of measures. Clearly that will be borne out by what the commission comes back to tell us once they undertake this investigation.

Clearly, if the Government has no problem at all having confidence in its view that they are the best option, then that is presumably what our independent expert commission will come back and tell us. However, it does not have to be to the exclusion of other measures, by any means.

It sounds to me like the Government has decided as the non-expert entity here - to tell the commission, the expert entity, what it will find to be the best measures, just as the member for Huon was alluding to in his contribution.

Surely, we look to our independent expert entity, the Liquor and Gaming Commission, to be the one to advise the Government, and the rest of us, on the best and most effective measures to be considered, particularly within our local context. It is relevant that we have that local insight, because we cannot just necessarily pick things up off the shelf from elsewhere and insert them here and press 'go'.

If the Government has confidence in its view, then it would have absolutely no problem at all supporting this amendment, none whatsoever.

The Leader in her contribution earlier referred to the Productivity Commission. It is great to be able to selectively refer to evidence. Fortunately for me, I am familiar with that evidence so I can expand a little on the information provided, to give members some context.

The Productivity Commission did end up saying that:

> … an effective, fully implemented, mandatory card-based pre-commitment scheme would likely be a very good way to reduce harm, particularly for people who might fit into categories of problem gambling or be diagnosed in that category.

They said that, it is true - but here is what the reality is: nowhere has successfully and thoroughly implemented such a thing. No jurisdiction has fully implemented a mandatory, whole-of-industry, card-based precommitment scheme. None. I would say that none will, because it is virtually inconceivable that it will be contemplated fully by industry, or that it would be tolerated by recreational players. The imposition of such a thing on recreational players is enormous. A fully implemented, mandatory, card-based precommitment scheme is a massive imposition on recreational players.

A few jurisdictions have tried some versions, some iterations of less than that. Most recently, Victoria tried a 'less than that' iteration, and they found in their evaluation of their scheme that it was effectively set up as a system but did not achieve the outcomes because it was limited. It was not full, mandatory, industry-wide. It was limited and people did not opt into it. So, a good system, in the limited space that it was put into, did not work to achieve the end that was trying to be achieved. Simple as that.

That is the latest one in Victoria. Every time this has been tried - because it has not been what the Productivity Commission did, rightly say, would be probably the best way for us to address that extreme end of gambling harm, fully implemented -

Madam CHAIR - Be careful not to go into a second reading speech here. This was prosecuted during the second reading.

Ms WEBB - I take exception to research and evidence being used in a misleading way.

Madam CHAIR - You have made the point that it was taken out of context.

Ms WEBB - So, the Productivity Commission saying that about card-based play - great if you did it all. They also said, here are all the other things that would work pretty damn well as a suite: maximum bet limits, slower spin speeds, no losses disguised as wins, regular shutdowns. We are familiar with all those.

That is what the Productivity Commission also said would reduce harm, broadly across the harm spectrum. They said if you could do that totally amazingly fully implemented thing, great. If you cannot do these, that is what it said.

The member for Murchison talked about the mandatory code. I also have an amendment, a very similar new clause, that looks to allow the Liquor and Gaming Commission to add elements to the mandatory code that it currently is not allowed to put there. We will come to those new clauses when we come to them in this debate. It sits alongside this quite well.

The member for Huon talked about the restrictions in asking the commission to look at those particular matters. Of course, it is ridiculous. It is intellectually parlous to do that. The other thing you mentioned is that it is hard to deliver things in a short time frame, but in reality, all the evidence is there for the things that would work, the measures that we could discuss if we were allowed to, if the commission was allowed to. As the member for Huon mentioned, there is not much evidence in relation to supporting facial recognition. Card-based play, we well know, as the Productivity Commission said, only works if it is fully done in a mandatory way.

Madam CHAIR - You are re-prosecuting that argument. Please move on to answer the question. The member for McIntyre asked you a question.

Ms WEBB - Next on my list. Moving straight on to the member for McIntyre's question, which was in relation to the part of this amendment that seeks to remove the word 'problem' - and that it is reflective of the fact that by talking about the spectrum of gambling harm, there is absolutely no implication there that all gambling causes harm. It is just that gambling harm can occur. It does not occur in one single way, or at one single intensity. It occurs across a spectrum.

Problem gambling is a technical way that we either diagnose people or put them in a category of prevalence that is right at the end of that spectrum of gambling harm. However, the negative effects of gambling harm that do occur happen from early on in the spectrum, all the way through to that most intensive end. I believe I mentioned a moment ago the Victorian research from 2016, which said that people who are what is called 'low risk' are already being harmed on that spectrum. People in that category account for about 50 per cent of the impact of the harm.

So, taking this out does not imply, in the reading of it, that all gambling causes harm, or that all gambling activity is harmful. It just refers to harm caused by gambling, and that might be anywhere on that spectrum. Then of course you have gambling activity that happens where no harm is occurring, and that is also recognised in research.

I hope that answers the question a little. It does not read in something by taking that word out. It just reflects current contemporary understanding.

Madam CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 7	**NOES 7**
Ms Armitage	Mr Duigan (Teller)
Ms Forrest	Mrs Hiscutt
Mr Gaffney (Teller)	Ms Howlett
Ms Rattray	Ms Lovell
Dr Seidel	Ms Palmer
Mr Valentine	Ms Siejka
Ms Webb	Mr Willie

Amendments negatived.

Clause 21 agreed to.

Clause 22 -
Section 148A amended (Annual Tasmanian gaming licence fee)

Ms WEBB - For information on the public record, I believe this is about a gaming licence fee related to simulated racing. For a gaming licence endorsed with a simulated racing event endorsement, it sets the fee for the licence. I would like the Government to provide some information about how that fee was arrived at, what modelling was done, what comparisons there are to other jurisdictions, and how much that fee is anticipated to generate in revenue. I would like to understand how much that fee is modelled and anticipated to gain revenue for the state compared to how much it will cost the state to regulate that product once those licences have been put out.

Mrs HISCUTT - A simulated wagering endorsement is set at the same rate as a number of other gaming licence endorsements. That is at 300 000 fee units. There is a cap under the act of 450 000 fee units. Under its licensing arrangements with Tasmania, UBET TAS has

multiple endorsement, totalisator, race wagering, sports betting and agents which, under the legislation requires payment of an annual levy in lieu of a licence fee.

The annual levy, 925 000 fee units, is approximately double the maximum Tasmanian gaming licence fee for a licence with multiple endorsements of about 450 000 fee units. Should UBET TAS wish to apply to the Tasmanian Liquor and Gaming Commission for a simulated racing events endorsement, it will not be required to pay the fee associated with the endorsement as it already exceeds the cap. Player expenditure is anticipated to be in the order of $1 million per annum and regulation will be undertaken as part of the current wagering regulation resources.

Members, the Government will be voting against this amendment.

Ms RATTRAY - I have a question about the quantum of a fee unit. Is it $1 per unit? In this instance, how much, when we are referring to 300 000 fee unit.

Mrs Hiscutt - Whilst the member is on her feet, it is $1.65.

Ms WEBB - Just to clarify a bit further on some of those matters, I am interested to understand that I heard correctly and understood. The entity that is likely to get many of these endorsements because they already have many of those in place in venues pays a fee already for those other things that exceeds the cap that is there in the act. We will not necessarily be collecting these fees from the main entity that is likely to be liable for them. I would like to have that clarified to make sure I understood that correctly, or explained differently so that I can understand it.

In relation to the expected - I think you mentioned it was the expected losses or therefore, revenue from this form of gambling being $1 million per annum. I presume that is statewide. Could you explain how that was arrived at as the likely figure? I also understood you to say that regulation and the compliance matters relating to this will be done within current resources. If we are not actually going to be collecting these fees because we are already at the cap through the group that is likely to pay them, it is a good thing we can do it within existing resources.

Does that mean that there is no additional activity that needs to be undertaken that would generate the use of more resources than currently? Can you explain why that will not require more?

Mrs HISCUTT - Basically speaking, the member understands what I delivered to be true and correct. The compliance inspectors inspect these things and that will be done through the normal process and the Government has nothing more to add.

Dr SEIDEL - Just to follow up on the $1 million losses there. Where does that figure actually come from? Can the Leader please specify where that figure of $1 million in losses is actually coming from?

Mrs HISCUTT - It was an estimate that was based on activity in other jurisdictions.

Dr SEIDEL - Estimate by whom then, is my question? Who estimated that? What other jurisdictions are we referring to? Any state, one in particular, same circumstances? It is not quite plausible that we are dealing with a genuine figure of $1 million losses in this particular

context. What is the modelling? Who has done the modelling? What is the jurisdiction? When was it done? If it has been done properly, can that advice be tabled to enhance debate in this House?

Madam CHAIR - Maybe the Leader might give a commitment for that to be tabled tomorrow rather than right now?

Mrs HISCUTT - I will seek some advice, Madam Chair.

Dr Seidel - It is quite late already, so could we report progress on that matter?

Mrs HISCUTT - The simulated racing has been operating previously in Tasmania and Treasury has based their estimates on that. I have spoken about the fact that we have been to other states before and I do not think I need to repeat them again.

Ms WEBB - You did not answer the question. I wonder if I will get an answer this time? It has been asked a number of times and it would seem that the Government is refusing to answer. It is a shame because this Committee stage is our only opportunity to interrogate these details. This is a financial detail and we are being denied the opportunity to have it looked at by the PAC. This is our chance to understand the financial details of this bill. I put to the House that to have the Government refuse to provide an answer is unacceptable.

If we have questions about these details, Madam Chair, I expect they should be answered. This is our one and only chance.

This is my third call. I am going to put these questions again. I expect them to be answered by the Government. This is on the public record.

My questions are:

(1) In relation to the estimation of $1 million in revenue derived from this product, did this estimation come from other jurisdictions and modelling done from those jurisdictions? If so, I reiterate the questions that went unanswered from the member for Huon: which jurisdictions, which modelling, when, who did the modelling? Can we have the modelling presented?

(2) If the $1 million in fact comes from the use of this product as it stands already in this state, my understanding is that it is largely within a casino environment and not as it is expected to be under this bill, expanded out to hotels, on what basis has modelling on current usage fed into this estimation of $1 million? I want to understand that modelling to know how that has been arrived at. I would like it explained properly.

My other question comes back to the other element which the Leader was quite expeditious in brushing under the carpet, which is: 'I believe we have identified but we are not going to collect any revenue from these licence fees because the entity that is liable to pay them when these endorsements are given out is above a cap in this bill already for fees to be paid; so we will not collect licence fees on this expansion of this gambling product', so my questions are:

What consideration was given to lifting the cap in the bill on this matter, knowing that we would be giving ourselves the capacity to collect a higher level of licence fee through this product expansion and that the current cap will not allow us to collect that fee? This is revenue to our state. It is revenue to feed through, not just into compliance activities but into other matters as well.

What consideration was given to the cap that apparently is in this act on how much we are allowed to collect as a state, from people who are providing a lucrative gambling product to our citizens, and that we propose to expand into various new venue environments for greater use by our citizens and, therefore, greater losses from our citizens? The Department of Communities Tasmania warns us that some of those products will be harmful, yet we will collect nothing from the licence fees because we have put a cap on ourselves in our own legislation.

That is unbelievable. I would like that explained properly, particularly: was the cap considered? Why was it not lifted so that we could collect the fees the bill says we are allowed to collect?

Mrs HISCUTT - Data was sourced from the ACT, for example the ACT had a revenue of 80 000 per annum. New South Wales and Victoria, as well as from Australian gambling statistics, Tabcorp application to the Australian Competition Tribunal, Tabcorp annual report and the Tabcorp media releases, additional information was from jurisdictional forums on gaming. With regard to the fee -

Ms Webb - Through you, Madam Chair -

Madam CHAIR - Let her finish.

Ms Webb - I do not understand what the list was.

Madam CHAIR - Let her finish.

Mrs HISCUTT - the Government's arrangements for the totalisator licence in 2019 on introduction of the point of consumption tax for wagering considered the possibility of additional endorsements which was accounted for by the fee of 925 000 fee units for the totalizator licence.

Dr SEIDEL - Madam Chair, I have to say to get an answer now reading out a Tabcorp media release as evidence is actually outrageous. We are in the Committee stage of this bill. We are here to scrutinise the bill clause by clause. We only have three calls. My first question was answered that modelling was done in other jurisdictions and the Government had nothing further to add. When I asked can we have a look at the modelling, the answer changed. All of a sudden there was not any modelling done. There was an estimate done based on a scenario here in Tasmania years ago and the Government had nothing more to add. Now the answer is on a Tabcorp media release from God knows -

Mrs Hiscutt - Amongst other things, Madam Chair, seriously, there was a whole range of stuff.

Dr SEIDEL - when that was and somehow there was a figure of $85 000. I am urging the Government to provide the appropriate answers to the questions we are meant to be asking

here. If the Government is not willing to do it, or does not know the facts, or is unable to provide appropriate answers, then please say we do not know or feel free to report progress.

We do not have any expectation from this Government to provide the appropriate answers. We have no expectations whatsoever. But if you do not know, take the time, go back and make an effort.

Right now it seems that we are misled. We are being misled at best, and at worst, we are wasting the time of individual members because we only have three calls anyway and we have achieved nothing, absolutely nothing. That is my third call. I am not going to have a fourth call. I have made my point. I want to express my disappointment because it is completely and utterly unnecessary. Governments should be better prepared, and should have seen it coming. The evidence should be at the table there now. It should be provided. If you cannot provide the answers, seek the answers, report progress. That is the appropriate way forward.

Ms Webb - Madam Chair, while the member is on his feet, while the Leader was up a moment ago I clearly needed to seek a clarification on what she was saying. You asked me to wait until she finished. She sat down before I could seek the clarification. I am disappointed that she seems to be avoiding -

Madam CHAIR - What was the question you wanted clarification on?

Ms Webb - The Leader began reading a list of things without identifying what that list was answering or was in relation to. The Leader just began reading a list of things. If that was in answer to one of my questions I put on my third and final call just a short while ago -

Mrs Hiscutt - The question was where did the estimates come from. That is where they came from.

Ms Webb - The Leader did not preface reading that list with any explanation of it. It was difficult to then understand which of my questions, because I put a number of them, that was in relation to.

Madam CHAIR - Order. It is the Leader's call to report progress at this stage if she wishes to, to provide more clarity tomorrow. It is late. The advisers have been at it all day also, and it is unfair to all members in the Chamber as well as the advisers to keep pushing on.

We do not have clear answers. I suggest the Leader might like to report progress, because we are here the rest of this week, and next week.

Mrs HISCUTT - Madam Chair, I seek leave to report progress.

Leave granted; progress reported.

ADJOURNMENT

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

> That on its rising the Council adjourn until 11 a.m. on Wednesday 17 November.

Mr President, I remind members of our briefings tomorrow on TasTAFE, starting at 9 a.m. in Committee Room 2.

Mr President, I move that the Council do now adjourn.

The Council adjourned at 10.27 p.m.