

Thursday 17 October 2019

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

SUSPENSION OF SITTING

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

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

This is for the purpose of continuing our briefings.

Sitting suspended from 11.05 a.m. to 2.30 p.m.

QUESTIONS

Seniors Week - Metro Tasmania Free Transport

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

[2.31 p.m.]

Seniors Week is an annual event held for older Tasmanians in a range of locations across the state. In previous years, Metro Tasmania has offered free transport to older Tasmanians to enable them to participate in the week's activities.

Last year 11 000 seniors made use of that travel during Seniors Week. This year, free transport has not been offered as part of the program. Many older Tasmanians have contacted my office regarding this.

- (1) Why was this decision made and what is the reasoning behind it?
- (2) What has the minister done to assist seniors to attend the event?
- (3) What has the minister done to advocate to Metro on behalf of senior Tasmanians whose attendance at events will be impacted?

ANSWER

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

Through the Department of State Growth, the Government has provided the Council on the Ageing with a \$20 000 grant to support transport for Seniors Week in 2019. I have been advised Seniors Card holders can apply for a free Greencard with \$5 bonus credit via the COTA website to celebrate Seniors Week 2019.

The Greencard also gives seniors access to concession discounted travel year round rather than the sole week of travel benefits provided under the previous Seniors Week arrangement. Further, by delivering the Seniors Week initiative through the Greencards, which are accepted on all Metro Tasmania and Tassielink bus services, seniors in a number of rural and regional locations, including the Channel region, the Huon Valley, Richmond, Cambridge and Evandale will also be benefit from this for the first time. The previous Seniors Week arrangements were limited to Metro urban areas only.

This new approach to Seniors Week transport support has been put in place due to evidence indicating the usage of Metro free travel to Seniors Week events was limited. The Government will review the effectiveness of this approach following the conclusion of Seniors Week.

Disability Voices Tasmania - Funding Extension

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

[2.33 p.m.]

Disability Voices Tasmania is a 12-month statewide pilot program funded by the Department of Communities Tasmania. It is an advocacy body that runs statewide for people living with disability. Many Tasmanians living with disability report the program has been valuable. Funding for the organisation concludes in October this year.

- (1) Will the funding for Disability Voices be extended beyond November 2019?
- (2) Has the Government received an evaluation of the pilot project and if so, what have been the outcomes?
- (3) If not, when is it due and when will it be a public document?

ANSWER

Mr President, I thank the member for Pembroke for her question, but advise her that we appear to have the wrong answer here. I do beg your forgiveness and I will have it sorted soon.

Ken Kanofski Advisory Services Pty Ltd - Hobart Western Bypass Study

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

[2.36 p.m.]

In relation to the \$64 000 contract awarded to Ken Kanofski Advisory Services Pty Ltd for specialist advisory services for the Hobart western bypass study by the Department of State Growth -

- (1) What services were performed for the Tasmanian Government as a result of this contract?
- (2) Did the consultant produce a written report?

(3) Is that report publicly available?

(4) Why was a consultant needed to perform this work as opposed to departmental staff?

ANSWER

Mr President, I thank the member for Pembroke for her question. In responding to the question, it is appropriate to address the last part first to provide context to the rest of the question.

The Hobart western bypass feasibility study is investigating the merits of a western bypass of Hobart, including the potential for construction of a tunnel or series of tunnels as proposed by the Evers Network and other community stakeholders.

Road tunnels are complex infrastructure projects; they are the most complex of transport infrastructure projects. In addition to the normal requirements for earthworks, pavements, road surfacing, line marking and signage, tunnels also require complex operational systems for ventilation, communication, emergency evacuation and traffic monitoring and management. The modern road tunnel is a project that has never been constructed in Tasmania before, nor has there been anything like it.

It is critical that the Government draws on appropriate expertise from where it is available. Investigating a tunnel requires the department to obtain this particular expertise. The New South Wales Government through the Department of Roads and Maritime Services has been the most prolific builder of road tunnels in Australia. Tunnels built by RMS include the Sydney Harbour Tunnel, the M2 Motorway tunnel, Lane Cove Tunnel, Domain Tunnel, Kings Cross Tunnel, Cross City Tunnel, Eastern Distributor Tunnel, Airport Tunnel, the M5 East tunnel, the City West Link, the M4 tunnel and the new M5 main tunnel, which is currently under construction.

RMS has built up extensive expertise in the design, procurement, construction, management, operation and funding of road tunnels. The Tasmanian Government can gain significant benefit by tapping into this extensive body of road tunnel expertise - unequalled in Australia - in undertaking the Hobart western bypass feasibility study. The Department of State Growth has taken the opportunity to do just that by securing the services of Mr Ken Kanofski as a specialist adviser to the project.

Mr Kanofski was the chief operating officer of RMS from 2013 to 2016 and chief executive officer from 2016 to 2019. In both these roles Mr Kanofski was responsible for the delivery of a massive capital program, including several major tunnel projects. There would be only a few people in Australia with Mr Kanofski's experience and client-side perspective in relation to multibillion-dollar road infrastructure projects, particularly motorways and tunnels. It is something of a coup to secure his services.

There is no-one in the Tasmanian Government with this expertise. Mr Kanofski is performing the role of specialist adviser to the Department of State Growth and his work is ongoing. Specifically, to date he has assisted in the preparation of the complex project brief for the tender for the Hobart western bypass study consultancy. The minister is advised that, as a specialist adviser to the department, Mr Kanofski is not expected to make a written report, rather his role is to assist the department during the conduct of the feasibility study.

Foreign Investor Duty Surcharge

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

[2.40 p.m.]

Since the Government's implementation of the Foreign Investor Duty Surcharge, which has been applied since 1 July 2018, what is the quantum of funds raised to date by the FIDS?

ANSWER

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

From 1 July 2018 to 30 September 2019, the value of the Foreign Investor Duty Surcharge that has been paid is \$3 281 105.

Homes Act 1935

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

[2.40 p.m.]

The purposes of the Homes Act 1935 include -

- (a) to enable persons to reside in residential accommodation that is safe, secure, appropriate and affordable; and
 - (b) to promote and enable the provision of safe, secure, appropriate and affordable residential accommodation.
- (1) Given this express purpose, does the Director of Housing have an ongoing responsibility to ensure his existing tenant's home meets that tenant's disability needs?
 - (2) If an existing tenant's disability needs escalate to the point that their current accommodation is no longer suitable and cannot be modified to make it suitable, is the Director of Housing required to provide alternative suitable accommodation to that tenant?
 - (3) If so, what considerations are taken into account, other than supporting evidence provided by allied health or medical professionals, to determine what will constitute suitable accommodation for that existing tenant?
 - (4) If not, what options are available to that tenant, other than exiting public housing tenancy into private rental tenancy or private home ownership?
 - (5) Please provide copies of all policies, including the tenant property changes policy, which relate to modifications of Director of Housing-owned assets and rehousing of in-need tenants.

ANSWER

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

- (1) There is no legislative requirement under the Homes Act 1935 to modify a home where existing accommodation is no longer suitable. However, the Tasmanian Government expects the Department of Communities Tasmania to work with its tenants to provide homes that meet their needs.

As part of our Affordable Housing Action Plan 2, we will allocate at least 70 new homes to suitable applicants from the Housing Register who are National Disability Insurance Scheme participants. This commitment is part of the Government's broader plan to improve the wellbeing of Tasmanians living with disabilities and their carers, which includes a dedicated investment of \$20 million over three years to deliver more suitable homes.

The plan also includes action to construct new homes that are purpose-built for those participants of the National Disability Insurance Scheme with exceptional needs who require a tailored form of integrated housing and support. We will release a portfolio plan for government specialist disability accommodation following an audit of the portfolio and a review of forecast of demand and supply.

All new social housing properties will be universally designed and suitably diverse for a range of tenants, including the elderly, those living with disability, families or singles.

- (2) There is no legislative requirement through the Homes Act to provide alternative suitable accommodation to tenants. However, the Tasmanian Government again expects the Department of Communities to work with its tenants to make modifications where professional advice deems that it is required.
- (3) While there is no requirement, where a request is made, Housing Tasmania accesses professional medical advice to determine the modifications that may be needed. This includes occupational therapists and health professionals.
- (4) The same as the response to question (3).
- (5) I am happy to table a Department of Communities fact sheet on transfers. A number of other fact sheets are available on the Department of Communities website, including ones that discuss the issues of maintenance.

Leave granted.

Document incorporated -



Transferring to another home

Housing Tasmania Fact Sheet

Sometimes, people need to move house. This might be because of changes to:

- the number of people in the household
- health needs
- disability support needs
- work.

If you need to move house, you can ask for a transfer.

This is when you move from your current Housing Tasmania home to another, vacant Housing Tasmania home. The best place to start is to talk to your Tenancy Officer. You need to talk to Housing Connect next.

Housing Connect is the way to get housing and support in Tasmania. They work out what kind of housing you need and can also help you find other support services.

You will find their contact details on the last page.

Housing Connect will work out the best housing options for you.

They will explain all of your options for housing support, not just information about transfers. You may decide that another type of housing is best for you, rather than waiting for a transfer.



Who can apply for a transfer?

If you want to transfer to a different home that is managed by Housing Tasmania, you must:

- live in Tasmania, not another state or territory
- be an Australian Citizen or Permanent Resident
- be 16 years or older
- be a low income earner who is eligible for a Commonwealth Health Care Card
- not own a home of your own, or land or other property
- not have financial assets worth more than \$35,000 – this includes things like shares, property and money in the bank
- not currently owe Housing Tasmania any money
- not have been asked to move out of your current home – this is usually called receiving a Notice to Vacate.
- have a good history as a tenant with us
- make sure your current home is well looked after.

When can you apply for a transfer?

People who have been living in social housing for 12 months can apply to transfer.

If you have been living in your home for less than 12 months but things have changed for you, please talk to Housing Tasmania. Our contact details are on the last page.

What is the reason you want to move?

If you want to move to a new home, we will need to know why.

Transfers can happen for a number of reasons.

- Your current home is not the right size. For example, it may not have enough bedrooms for the size of your family. Or, it might be too big for you.
- You are at risk – perhaps from family violence, sexual assault or community violence.
- Your health needs have changed, or you need to move closer to a health service.
- You have a mental health condition.
- You need to live closer to the place where you work or study.

What personal information will you need to provide?

If you want to transfer to a different home, you will need to provide us with some paperwork. Depending on why you want to move, this might include:

- a letter from your doctor
- a letter from your workplace
- information about your household income – this is how much you are earning.

When can a transfer go ahead?

Even if you have paperwork and a reason to move, your transfer may not be approved. A transfer can only happen if:

- you are eligible
- other housing support will not solve your problems
- a home is available.

How long do you need to wait?

If your transfer is approved, you will go on the waiting list. Sometimes, people need to move urgently. Their needs are our priority. You may need to wait for a while for the right type of home to become available. Unfortunately, being on the waiting list does not mean that you will be able to transfer quickly, or at all.

What if you need to move urgently?



If you are in an emergency situation, please contact **000** immediately or call the Family Violence Response and Referral Line on **1800 633 937**. They are open 24 hours, seven days a week.

If you are in an unsafe situation, Housing Connect can help you. In very urgent cases, it doesn't matter if you are eligible for social housing. Your safety is the most important thing. There is a fact sheet that provides lots of information about staying safe from family violence. Please ask us for this information, or find it at www.dhhs.tas.gov.au/housing

What type of home can you have?

When you talk to Housing Connect, they will help you work out what kind of home will suit your needs.

What about social housing providers?

These days, there are a number of different organisations that manage homes for people who live in social housing. They are called 'social housing providers'. Their role is similar to that of a real estate agent or landlord in the private rental market. Housing Tasmania is one of these providers. Some examples of social housing providers currently working in Tasmania include:

- Housing Tasmania
- Centacare Evolve Housing

- Community Housing Limited
- Housing Choices Tasmania
- Mission Australia Housing.

This means that your current home might be managed by Housing Tasmania, or it might be managed by one of the other social housing providers. The social housing providers work in different areas of the state. You can find out more about these providers on our website www.dhhs.tas.gov.au/housing. There is a lot of information under 'Better Housing Futures'. You can also find out more through Housing Connect.

If you want to move from one Housing Tasmania home to another, then you can apply to do this. If you want to move from a home managed by a different social housing provider, different rules may apply. If you want to move from a social housing provider to Housing Tasmania, you will need to apply again. This means that you may need to wait for some time.

Are there any costs for transferring?

When you transfer, you will need to pay for:

- moving your furniture
- connecting the electricity, gas and the phone at the new home
- disconnecting the services at the your previous home.

Housing Tasmania does not cover these costs.

Can you take your pets with you?

You must ask us if you want to have pets in your home.

You can take your pets to a new home if Housing Tasmania says this is ok.

You can read the Pets Fact Sheet if you would like to know more about keeping your pets.

What happens if you can't get a transfer?

If you can't get a transfer, Housing Connect can help you with other housing support options. Sometimes support can help people to stay in their current home. You can't swap homes with another Housing Tasmania tenant. This is against the rules.

It's a good idea to think carefully before you move out of social housing. If you want to move back into social housing later, you will need to apply again. You may need to wait for a long time before you get a home.

Peggy's story

Peggy is getting older. She has been living in her Housing Tasmania property for a very long time. Recently, she has found that the home is too big for her. The garden is too much for her to manage and she doesn't need as many rooms now that she is on her own. Peggy rang Housing Tasmania to talk about a transfer. She talked to them about the problems she is having. They helped her with the process of applying for a transfer through Housing Connect. Peggy is now waiting to go into a smaller unit. In the meantime, Housing Connect is helping her get support with the gardening and household chores through aged care services.



More information

Other fact sheets that might be useful:

- Finding a home
- How many bedrooms?
- Moving out
- Pets
- Signing a lease
- Staying safe.

Our contact details



Housing Tasmania – 1300 665 663



Housing Connect – 1800 800 588 (24 hours)



TTY users phone 133 677, then ask for 1300 13 55 13

Speak and Listen users phone 1300 555 727 then ask for 1300 13 55 13

Internet relay users connect to the NRS then ask for 1300 13 55 13



Housing Connect – housingconnect@dhhs.tas.gov.au



Department of Health and Human Services
GPO Box 125 HOBART TAS 7001



www.dhhs.tas.gov.au/housing

Homes Act 1935

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

[2.45 p.m.]

Mr President, a supplementary question because I do not believe the questions were actually answered. The answer to question (4) should not be the same as the answer to question (3) because they are quite distinctly different questions. I am clarifying this because it seemed that you suggested question (4) had an answer similar to question (3).

Mrs Hiscutt - I suggest the member reword that and submit it again.

Ms WEBB - Perhaps (3) and (4) both related to (2). If the answer is yes to (2), that is the question; if the answer no, you did not answer either (3) or (4) in relation to (2), which was not particularly clearly answered either.

Mrs Hiscutt - I suggest the member reword her questions.

Ms WEBB - And resubmit them to you?

Mrs Hiscutt - Yes, thank you.

Disability Voices Tasmania - Funding

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

[2.46 p.m.]

In 2018, the Department of Communities agreed to fund the Disability Voices Tasmania project with the objective of it being a collective, inclusive voice for all people living with disability. I understand Disability Voices Tasmania is due to report on the outcomes of this project by the end of the month.

During the course of this project, Disability Voices Tasmania has been consulting and building relationships statewide so people with disability can deliberate on their problems and needs so they can collectively provide solutions and articulate their opinions and ideas in a strong united voice.

The funding for this program has ceased.

- (1) Will the Government commit to providing ongoing funding to ensure people living with disability will continue to have a united voice?
- (2) Has the minister met with Disability Voices Tasmania regarding its funding or the outcome of the project?

ANSWER

Mr President, I thank the member for Pembroke for her question and her patience. I am sorry about the mix-up, but so many questions have been coming through.

Disability Voices Tasmania originated as a coalition of trustees that received National Disability Insurance Agency - NDIA - Community Inclusion and Capacity Development Program funding through Epilepsy Tasmania to undertake the second stage of a two-part consumer voice mechanism project. The pilot project ended in September 2019.

The Tasmanian Government has encouraged all disability organisations, including Disability Voices Tasmania, to take every opportunity available to apply for funding through the National Disability Insurance Scheme. This includes the currently open Information Linkages and Capacity Building grant round.

The Tasmanian Government continues to advocate strongly for Tasmanians with disability, their families and carers including via the Disability Reform Council and by working directly with the NDIA.

**Disability Voices Tasmania - Funding
Supplementary Question**

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

[2.48 p.m.]

Mr President, I have a supplementary question. Part of my question was about whether the minister had met with Disability Voices Tasmania about its ongoing funding and the project. Could that perhaps be addressed?

Project 2018 - Completion and Cost

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

[2.48 p.m.]

I have a number of questions but I will ask the shorter ones in the first instance to see how it goes. My questions relate to Project 2018. In asking these questions, the department should understand there is a fair amount of angst out there in relation to Project 2018 -

- (1) When will the current contracts, Project 2018, be completed?
- (2) What will the likely savings/extra cost be to the department and government as a result of the changes made?
- (3) When will the five plus five contracts be sent to operators? I understand they will have two months to sign and return the contracts. It is getting close to Christmas and businesses close down over that Christmas period. A number of contractors have a lot of angst in wanting to know exactly what is going on with their contracts.

ANSWER

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

- (1) The contracts for school bus services were finalised earlier this month. Final copies of these documents are available on the Department of State Growth's website, transport.tas.gov.au. Negotiations are still underway on the general access funding model, which only affects a small number of operators.
- (2) The likely savings and extra costs cannot be determined until all contract offers have been made and accepted.
- (3) Contracts started going out on 11 October 2019; 85 of 109 operators have been sent their contracts, meaning that, with the two months notice the majority of operators can finalise their contracts well before mid-December. The remaining contracts will go out as soon as outstanding issues are resolved with those operators. The department is working with those operators to give them the maximum time to respond to any issues.

Tourism Tasmania - Contract with David Jones Pty Ltd

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

[2.51 p.m.]

In relation to the contract awarded to David Jones Pty Ltd on 7 May 2019 by Tourism Tasmania, why is the value of this contract not currently disclosed? Will the value of this contract be disclosed in the future? If so, when?

ANSWER

I thank the member for Pembroke for her question.

Tourism Tasmania works with businesses and event partners that have brands aligned to target visitor markets. These businesses or events can be based in Tasmania or have a national presence to promote Tasmania directly to their customers and leverage their marketing campaigns and communications. Australian department store David Jones chose Tasmania as the location for the launch of its autumn/winter 'The Art of Living' campaign media launch event. This is the first time it was held outside Melbourne or Sydney. It is one of the largest annual media events in Australia, attracting the nation's top-tier media representatives across fashion, lifestyle, design, food and beverage, editorial and leader newspapers.

In excess of 100 media and influencers travelled to Tasmania for the event, resulting in widespread coverage of the state through traditional media and social media channels. The partnership provided Tourism Tasmania with the opportunity to promote Tasmania and winter visitor messaging directly to David Jones' customer base in our key mainland markets through The Art of Living campaign activity. This included a 10-page fashion spread shot in regional Tasmania, destination information in the winter edition of David Jones' magazine, in-store promotional activity and destination messaging through David Jones communication channels.

The value of the contract is commercial-in-confidence, and there is no limit on the period of the confidentiality approved. The contract was reported on the Tasmanian Government tenders website in line with normal process and procedures.

School Buses - Seatbelts - Preliminary Review

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

[2.53 p.m.]

- (1) Has the preliminary review relating to seatbelts in buses been completed? I think it was going to be handed down in September.
- (2) If it has been completed, when will it be available?
- (3) At what stage is it?

ANSWER

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

- (1) The preliminary report on seatbelts on school buses has been completed. State Growth has led the work on the report. It has now been provided to the Education department for its consideration and feedback. Once this feedback has been received and any amendments made, the report will be provided to both ministers for their consideration.
- (2) The preliminary report is not yet available because of what I have just said.
- (3) A decision on when the report will be handed down will be made after both ministers have had the opportunity to consider the findings of the preliminary report.

Project 2018 - School Bus Services

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

[2.54 p.m.]

This question again relates to Project 2018 and the letter titled, 'Proposed merger of Launceston and Underwood to Lilydale school buses', as provided to parents and students, and dated 25 September 2019. In asking these questions, a business is named. That business has no problems with its name being circulated and being made known.

- (1) What is the cost to the Department of Treasury and Finance of providing an urban fringe school bus service?
- (2) What is the cost to the Department of Treasury and Finance of running a rural service for a 12-month period?
- (3) What consultation occurred with the current school bus operators, D R and K L Brown, prior to this letter being disseminated?
- (4) Was there a sit-down discussion with the contractors where the changes referred to in the letter were discussed at length?
- (5) Is the department aware that D R and K L Brown have recently purchased two 'new' school buses - new to them - to service the current contracted services at a cost of nearly \$120 000?
- (6) Will the change referred to - that is, the merging of two services - cause a loss of contracts to D R and K L Brown?
- (7) If so, what will be the financial loss?
- (8) Has the department sought input from D R and K L Brown as to the provision of school bus services in this region, as it is their position that the services can be operated more economically than that proposed by the department in the letter dated 25 September 2019?

- (9) What advice has the department taken relative to the bus stops to be included in the new proposal, as on my advice they are inherently unsafe? In the Hollybank stop students will need to cross a busy road.
- (10) In a letter dated 25 September 2019 the department says that students in the Prossers Road area will need to travel 'a bit further' from their home to the nearest bus stop on the new route. Is the department aware the extra distance for some students will be about seven kilometres, on my advice?

ANSWER

Mr President, I thank the member for his question.

- (1) The cost of providing an urban fringe school bus service will vary significantly based on a range of factors, most notably the number of fare zones on a contract and the number of students boarding per fare zone. In 2016 the average cost of an urban fringe bus service was \$113 300 per annum.
- (2) The cost of providing a rural school bus service will also vary based on a range of factors, most notably the distance travelled, the time taken to run the service and the vehicle used. In 2016 the average cost of a rural bus service was \$71 700 per annum. Note that all school bus contracts will be funded under a new funding model from the start of next year, and these comparisons will not carry forward into the future.
- (3) and (4)

As a background to this question, counts of passenger numbers were taken by the Department of State Growth on services to Lilydale District School last year. As part of the agreed process to match incumbents to services, the department undertook a thorough assessment of demand including by travelling on the buses and counting student numbers. This identified lower than anticipated patronage levels. Therefore, consistent with the Government's commitment to procure services where there is identified ongoing need, the matching processing was discontinued.

Several telephone discussions were subsequently held with Mr Brown informing him that due to this information the department was looking at service redesigns. Mr Brown was then invited to provide comment on the service redesign proposals and, alongside the school principal and the other bus operator, was provided with a draft copy of the letter outlining the proposed changes for comment prior to it being sent out to parents.

- (5) In 2017, the department approved changes to two vehicles used on contracts by the operator. The department has no record of more recent vehicles purchased by the operator.
- (6) If the changes go ahead, a matching decision will be made under the Project 2018 Re-Contracting Process Guidelines. This may result in one of the two operators being directly matched to the new service, or it may result in a closed tender between the two parties. These decisions are not made until after the service redesign has been completed so there can no claim of service design being done in favour of one party over the other.

- (7) Operators have benefited from a one-year extension to their current contracts, and an assistance scheme has been put in place to assist operators who are not awarded a new contract or choose not to contest a closed tender.
- (8) Mr Brown recently put a proposal to the department for an alternative way to restructure services in the area. Mr Brown's option was considered by the department. While the department agrees that the proposal may be slightly cheaper, offsetting this is compromised travel times for a large number of students, requiring them to leave up to 15 minutes earlier and get home 15 minutes later, and created concerns over loading for students travelling to and from Launceston. Due to this, it was not the preferred option put out for consultation.
- (9) The department's understanding is that bus stops proposed for the new service are the same as the bus stops used by the current operators. The intention at Hollybank is that in the morning the bus will still pull off the highway onto Goullees Road to load students in the same location as the current service.
- (10) Departmental staff have travelled on or followed this bus on three separate occasions and are aware that the furthest bus stop where students boarded was just under seven kilometres along the road. While the department has not yet received any feedback or concerns from parents about this change, the minister has asked the department to investigate and make contact to discuss possible options.

Police Numbers - Northern District

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

[3.02 p.m.]

The crime statistics for the Launceston area generally show an increase in criminal activity over the past financial year. The current Northern District establishment number - that is, police numbers - compared with population figures demonstrates pro rata police numbers are below that of other districts.

Will the Leader please advise -

- (1) Is it intended to increase the establishment numbers of the Northern District to the similar levels of the southern and north-western districts?
- (2) If so, what increase in police numbers is envisaged for the Northern District?
- (3) If no increase is being considered or going to occur, why not?
- (4) The Police Association of Tasmania has been arguing publicly for some time for a full-time Special Operations Group. Tasmania is the only state that does not have a full-time SOG. Is it intended to increase the establishment numbers so that Tasmania Police can have a full-time SOG?
- (5) If so, when will it occur?

ANSWER

Mr President, I thank the member for Windermere for his questions. The answers seem to be rolled into one answer.

The Government is recruiting a further 125 new frontline police officers during this term of government. This will increase Tasmania Police to an authorised strength of 1358 full-time equivalent positions. The allocation of new police positions will be put forward in the very near future and there will be a significant increase in numbers across the southern, northern and western districts.

At the 2018 state election, this Government undertook to return a full-time core SOG to Tasmania Police to provide an enhanced rapid response capability. In addition, in the 2018-19 Budget, the Government provided \$1.4 million for infrastructure and equipment for the SOG. Preliminary work has already commenced to progress a SOG facility and to implement the enhanced SOG capability during the term of this Government.

GENETICALLY MODIFIED ORGANISMS CONTROL AMENDMENT BILL 2019 (No. 33)

Second Reading

Resumed from 16 October 2019 (page 47)

[3.05 p.m.]

Ms RATTRAY (McIntyre) - Mr President, after the adjournment last night I hoped I might be able to convince members of the House that there is some merit in just sticking to the five-year moratorium we already have in place and asking them to support the member for Windermere's amendment when it reaches the Committee stage.

I found a couple of what I believe are quite useful supporting documents to support my argument. I am going to use them and put them on the public record. The first piece of information is one I found overnight. We were told that South Australia recently lifted their moratorium, except for Kangaroo Island, and so I have found some information. The independent Anderson review found -

the GM moratorium has cost South Australian grain growers at least \$33 million since 2004 and will cost farmers at least a further \$5 million if extended to 2025, harming this state's ability to attract investment in agricultural research and development ...

As a result of the independent report's findings and majority support of the public consultation, it is time to lift the moratorium on the mainland and allow farmers the opportunity to make informed choices about what to sow, based on their individual businesses and specific conditions.

That came from South Australia and in my view is pretty compelling. Again, I come back to the fact that we are not asking for a complete removal of the moratorium, we are just asking for it to be for the five years, which is consistent with what it has been in the past.

One of the areas I touched on yesterday was information around the Tasmanian wine industry. I had to admit that at that time I had not read the labels completely to know whether they actually promoted themselves as GM-free. I have had a little work done in regard to this, and I am now aware that there is a biodynamic producer and perhaps a couple of organic producers that are GM-free.

I am not aware of seeing any promotion of Tasmanian wines being GM-free. The premium we talked about, and I suggested, was because they are Tasmanian wines. It has been confirmed the premium is based on the notion of cool climate, meaning slower ripening, which implies more flavour. The reality is our vineyard and wineries are all small scale and so they need a premium to be viable. As some of us will know, the flavour and taste of Tasmanian wine is quite exceptional and we often pay a premium for that.

I have not read of any wines being promoted as GMO-free and I am not aware of any research or plans to produce a GMO-grape variety.

I touched on the Greenham NEVER EVER Beef Program yesterday, and one particular person who has an agistment business said it is likely Greenham is getting a premium for its NEVER EVER Beef, and it does in the market, but whether that has been passed on to the beef producers is a different question.

I suggest, as we said, they are all GMO-free in Tasmania and they are all sold at the same price whether they are NEVER EVER Beef or not and they go out as the Tasmania brand. My source tells me as far as his agistment business is concerned, there are no benefits. I can only take the information I am provided with and that is what I am doing here.

In regard to increasing growing the farm gate by 2050, certainly the Government has its aim and aspirations in regard to this - growing the farm gate value of agriculture by \$10 billion by 2050 with improved profitability for farmer sustainability, no more land and reducing our environmental impact.

I have a few points here I think are worth again putting on the public record.

On the issue of increasing productivity of existing crops and livestock, the moratorium has no impact. The potential with improved genetics is much faster increase in yields and quality and improved tolerance in adverse environments, drought, saline soils et cetera. So that is a plus for GMOs.

On the increased production of high- versus low-value crops and livestock, the potential with the moratorium is a management decision. The moratorium has no impact, so the potential with improved genetics is a management decision, and the moratorium has no impact so negates itself and does not count.

On the issue of completely new and higher value crops and livestock - again, the potential with the moratorium has no impact, but the potential with improved genetics is a plus. More crop and livestock options, new varieties with special characteristics - for example, pharmaceutical properties of high vitamin fruit.

Getting higher prices for existing production through market advantages is obviously an aspiration and the potential with improved genetics market gains through GMO-free status is not available, so that is actually a minus. I am being honest here. I am putting it all on the record.

On the issue of reducing production costs, the moratorium has no impact, but with the potential of improved genetics, the aim is, for example, reduced herbicide and pest uses. This is a plus.

The last issue is reduced environmental impact and the moratorium has no impact. But in regard to the potential with improved genetics, reduced herbicide, pesticide and fertiliser use with smaller areas of land for the same level of production is a tick. So results are much better with GMOs with wins in five of the six points listed.

The information I have goes on to say there is a common perception by opponents opposed to GMs that the use of GMOs would tarnish our clean and green image. I also talked about that yesterday. I argue the opposite. With GMOs, the real practical result is that clean and green and sustainability are enhanced. More production from the same area, reduced chemicals and reduced environmental impact.

Last, increased rate of technological advance. It is obvious the science behind GMOs and the genetic improvements is changing rapidly. For example, the CRISPR technique was only developing five years ago and is now seen as a major technical improvement.

In these circumstances we need to be able to respond quickly. We need to be agile. People have used that word before and given the fast rate of change in new developments, the moratorium should be shorter, not longer, in the duration.

There, in my view, are some compelling arguments to again, as I said, leave the moratorium consistent with what it has been in the past, do those extensive reviews and make sure we do not limit our options. That is very important.

We know we are small and do not have that large expanse of land. We have to make sure we do the best with what we have. I support the bill, but I indicate again that I am very keen to see the member for Windermere's amendment get up. I think five years is long enough. We can certainly come back to this place and have a look at it in five years time.

[3.15 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I also thank the Leader for the briefings provided and the people who came along and took the time to speak with us and provide very useful information. I note the advice that we are the only state that still has a moratorium, with South Australia, except for Kangaroo Island, having recently reviewed and lifted its moratorium, as it was seen as no value to that state or its farmers.

I accept that there needs to be strict rules around how it works, but with flexibility. With technology changing rapidly, it is important that farmers are not disadvantaged by a moratorium, and we need to be flexible so they are not left behind. From the ABC's 'Tasmanian Country Hour' on 8 August 2019, the transcript reads -

Tasmania's ban on genetically modified organisms (GMOs) will continue for another 10 years. Fruit growers and honey producers could not be happier, but some farmers say it is a missed opportunity.

Tasmania is the only state to have a blanket GMO ban, which has been in place since 2001 after genetically altered canola escaped from trial crops at secret sites around the state.

They quote the minister, Mr Barnett -

'In the past 12 months our agricultural production has increased by 9 per cent, or \$1.6 billion, and our GMO-free status is an important part of the Tasmanian brand' ...

The article continues -

Stuart Burgess from Fruit Growers Tasmania said the multi-million dollar sector relied on Tasmania's pure reputation and its GMO-free status.

'It is an extremely important issue for the fruit sector and we welcome the certainty of the next 10 years,' he said.

But farmer and molecular geneticist Will Bignell said Tasmania was shooting itself in the foot on GMOs.

He would like to consider growing genetically modified crops such as omega-3 canola and other fortified seed crops.

He argued the GMO-free market brand did not have a strong presence.

'We have a climate problem that we have to rectify, and regardless of what you argue, gene technology is a critical plan in that solution,' Mr Bignell said.

'Here in Tasmania we are saying no to that solution based on a market premise, based on emotion, as there is nil scientific evidence that it is unsafe or dangerous,' he said.

...

The three main genetically modified crops grown in Australia are cotton, canola and safflower, with crops in NSW, Queensland, Victoria and WA. But a lot of Tasmanian producers are happy those types of crops will not be coming to the island state.

Honey producer Peter Norris said it was wonderful news. Tasmania's honey industry has been vehemently against lifting the GMO ban because overseas markets in Europe and Japan bought Tasmanian honey because it was GMO-free.

'We are such a small producer of everything, we really need to maximise our advantages,' Mr Norris said.

I ask the question: do we have a clear reason and objective evidence for this amendment? I note the decision to extend the moratorium for a further 10 years followed a comprehensive review undertaken earlier this year by DPIPW, and that there were 76 submissions with 83 per cent in

favour of extending the moratorium. We all know that bees pollinate crops. Bees keep plants and crops alive, and without bees we humans would not have much to eat.

Ms Forrest - Humans would die.

Ms ARMITAGE - That is right. I note there was tripartisan support in the other place. I am sure this does not happen very often. I am confident we all agree that Tasmania is special, and that our clean, green image is important to us all, as well as the future of niche producers. I appreciate that opponents of this moratorium are concerned that banning GMO products stops us being competitive with mainland states.

We heard from beekeeper Lindsay Bourke that being GMO-free has given his business access to valuable markets. This sentiment is shared by many. I agree that once it has gone, you can never get it back. Mr Bourke advised in briefings that he believes we need a decade-long commitment, as developing markets and sales takes many years. He believes that a 10-year moratorium gives people confidence to invest. Ten years gives everyone much-needed security.

Therefore, through a simple amendment to change the expiration period from 15 years to 25 years, this bill will extend the act, with the expiry date changing from November 2019 to November 2029. It is pleasing to see that the Government will continually monitor technological advances, markets and consumer sentiments, with DPIPWE providing a report to the minister at least every three years on developments in these areas, and that these reviews will also consider stakeholder views and changes in market and consumer sentiment.

I also note that DPIPWE will advise the minister, if, based on the evidence from these reviews, there are significant developments in these areas that warrant the triggering of a review of the policy before the maximum 10 years and that the Government will continue to regularly monitor technological advances, markets and consumer sentiment.

In view of this information, I agree that this bill is a sensible and balanced approach and I will support it.

Bill read the second time.

GENETICALLY MODIFIED ORGANISMS CONTROL AMENDMENT BILL 2019 (No. 33)

In Committee

Clause 1 - Short title

Mrs HISCUTT - Deputy Chair, as I thought there were going to be more speakers during this I neglected my summing up so, with your indulgence, I will take the opportunity on clause 1. There are quite a few things we wish to clarify.

There were clarifications for the Council regarding a mechanism for regulating the SDN1 organisms which was the alternative. I will update the Council in relation to how it is proposed to

regulate SDN1-modified organisms in Tasmania, which differs to what was outlined in the second reading speech.

The Government will regulate the SDN1 techniques and organisms for agrifood and marketing purposes under the new Tasmanian biosecurity legislation. The new Biosecurity Act 2019 provides the most efficient, flexible and practical way for Tasmania to control SDN1-modified organisms in agricultural and food products. This will protect our access to important trade markets and maintain the status quo for Tasmanian businesses and industries that rely on Tasmania's GMO-free status. SDN1-modified organisms and dealings will be regulated by the department - that is, Biosecurity Tasmania - in the same way as other regulated dealings and matters under the Biosecurity Act.

This approach will also protect our trade position in markets that consider SDN1 organisms as GMOs while enabling Tasmania to continue to maintain consistency with the National Gene Technology Scheme. The department will continue to consult with industry stakeholders and the Australian Government to develop the detail of the regulation and ensure there is no barrier to research.

Some questions were asked which I will deal with in clause 1.

The members for Windermere and McIntyre talked about substantiation of claims regarding the benefits to businesses of being GMO-free. I thank you for your indulgence.

The Tasmanian GMO moratorium offers marketing advantages to a range of different industries. Many examples have already been highlighted by other members. The Tasmanian GMO-free beef was a topic of discussion.

Through the recent review process, the \$337 million Tasmanian beef industry provided several notable examples of the marketing benefits provided by the moratorium. Greenham Tasmania relies on Tasmania's GMO-free status as a key part of its marketing program. It has various labels that it trades under, providing different brands for different markets. Its premium label, Cape Grim Beef is sourced solely from Tasmania and is marketed, amongst other features, as GMO-free. Another of its labels, Bass Strait Beef, includes cattle from South Australia; Gippsland, Victoria; Western Australia; the Limestone Coast, South Australia; and King and Flinders islands, Tasmania. This label is also marketed as certified GMO-free.

Another example is Tasmanian Feedlot which finishes around 18 000 to 20 000 Angus steers per annum destined for Japanese markets and also relies heavily on Tasmania's GMO-free status, which has a reputation as a clean, green and safe producer of premium beef.

In its submission, Tasmanian Feedlot noted that removal of the moratorium would make it difficult to continue to guarantee that inputs to their beef are free of GM material which would in turn make it difficult to retain access to these Japanese markets.

Access to these valuable markets made possible by the GMO moratorium has helped to make Tasmania's beef the most valuable international food export in 2017-18, representing \$210 million out of the total food export value of \$740 million.

A range of other examples - from dairy, honey, salmon and agritourism industries - have been highlighted and demonstrate the marketing benefits that the GMO moratorium provides across a

range of industries. Extending the moratorium for a further 10 years will allow these and other businesses to invest confidently in their brand and markets over the long term.

The member for Windermere asked for evidence to support the extension of the moratorium, clarification of the monitoring and review provisions in the updated policy and imminent availability of GMOs for use in Tasmania. I can advise the member that the Government has decided to extend the moratorium for 10 years to provide certainty to that industry. The decision was made based on the findings of a comprehensive review, which are documented in the report and submissions on the DPIPWE website, and consultation with the primary industry sector.

Of the 63 submissions that recommended the moratorium be maintained, 17 explicitly requested the moratorium be extended indefinitely. Given the clear benefits of the moratorium for marketing purposes, a 10-year extension will provide businesses with the confidence to invest in marketing strategies to take full advantage of the Tasmanian GMO-free status. The 10-year extension will also strengthen the Tasmanian brand and will provide other trading partners with assurance in the ongoing stability of Tasmania's GMO-free provenance.

I reiterate: once lost, the moratorium cannot be restored and it certainly cannot be easily done. The moratorium and review provision in the Gene Technology Policy 2019-29 will ensure that Tasmanian industries will not miss out on the opportunities presented by gene technology.

DPIPWE will implement evidence-based GMO monitoring and review to continuously assess developments in gene technology during the period of the moratorium, including emerging technologies, policy changes, consumer sentiment and market and branding implications. At least every three years DPIPWE will undertake an environmental scan and provide a public report to the minister on developments in gene technology and market changes. Specific matters to be reported include consumer sentiment in important current and potential future markets; new gene technologies that provide positive benefits to primary industry sectors in Tasmania as a whole; and development of new generation GMOs that provide health or other benefits.

DPIPWE will advise the minister if - based on evidence - there are significant developments in these areas that warrant triggering an earlier full review of the gene technology policy and moratorium before a maximum of 10 years. This does not mean the moratorium will be automatically lifted, but that the minister can direct a full review of the policy to be undertaken to determine whether to maintain, amend or lift the moratorium.

In addition to the regular environmental scans undertaken at least every three years, the minister can also direct a full review of the policy at any stage during the period of the moratorium, if developments warrant it. The extended moratorium and review mechanisms provide a balance between providing consistency and confidence for agrifood businesses that benefit from the moratorium and ensuring Tasmania does not miss out on any opportunities presented by gene technology developments. In the 10 years, we will not miss out. We will not miss out on anything.

During consultation on the draft policy, Fruit Growers Tasmania welcomed the 10-year extension to the moratorium and consider such a moratorium and review mechanism provide a balanced position for monitoring future developments. The Tasmanian Agricultural Productivity Group, which is having its AGM very soon - and Poppy Growers Tasmania shared this view. The TAPG sees the GMO moratorium, new biosecurity legislation and creation of Brand Tasmania as providing a platform for Tasmanian products in key markets.

Members, I also draw your attention to letters of support received in the past week from the Tasmanian Farmers and Graziers Association and Fruit Growers Tasmania which strongly support the continuation of the moratorium and the tenure extension with the accompanying review provisions. The Tasmanian Farmers and Graziers Association supports the tenure extension to the moratorium and the monitoring and review provisions provided in the policy.

Also, in its letter the Fruit Growers Tasmania noted -

... this Tasmanian extended moratorium provides an effective mechanism for addressing key market-related issues associated with the introduction of GMO cultivation ... [and] represents a valuable legislative framework for managing GMO issues in a manner that is "transparent, fair and respectful of the current needs of Tasmania's diverse community of agricultural producers".

Every member received a copy of these letters; everybody has read these letters.

Mr Deputy Chair I seek leave to table these letters and incorporate them in the *Hansard*.

Leave granted.

Documents incorporated as follows -



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Tasmania

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office@fruitgrowerstas.org.au
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NB. Tasmanian Legislative Council Members

Re: Tasmania's GMO Moratorium Biosecurity Act Review 2019

Fruit Growers Tasmania (FGT) is the Tasmanian industry association for the state's fruit and berry producers, and provides Tasmanian fruit producers with technical support services and information across a range of production and trade issues including food safety testing, biosecurity monitoring, quarantine inspection, labelling and freight requirements for fruit products destined for China, Taiwan, Japan, Korea, Thailand and/or Vietnam.

FGT understands that the draft legislation is slated for consideration by the Tasmanian Legislative Council on Wednesday 16 October 2019. FGT is seeking to reiterate our strong support for the continuation of Tasmania's genetically modified organisms (GMO) moratorium and particularly the proposed 10 year timeframe with accompanying checks and balances built in. It is the view of FGT that this Tasmanian extended moratorium provides an effective method for addressing key market-related issues associated with the introduction of GMO cultivation in Tasmania until a better solution can be developed. These issues include but are not limited to (i) damage to product marketing and regional branding, (ii) the introduction of compliance issues and the costs thereof for non-GMO producers, as well as (iii) disruption to export market access for some products, each of which will disproportionately affect growers of non-GMO crops.

In the view of our members and our industry, the moratorium represents a valuable legislative framework for managing of GMO issues in a manner that is transparent, fair and respectful of the current needs of Tasmania's diverse community of agricultural producers.

Yours sincerely,

Stuart Burgess
Chief Executive Officer,
Fruit Growers Tasmania



Hon Leonie Hiscutt
Leader of the Government
Legislative Council

Dear Leonie

I am writing to you regarding the progress of the **Genetically Modified Organisms Control Amendment Bill 2019** through the Legislative Council and advise that the TFGA supports the proposed Legislation as presented to the House.

The Bill is generally in line with our submission which supported the extension of the Moratorium and we believe the approach taken by the Minister, the Hon Guy Barnett, is balanced and appropriate.

We also recommended regular reviews of the advantages/disadvantages of being GMO free. According to the *Tasmanian Gene Technology Policy 2019-2029*, there will be regular evidence-based monitoring and reviews of gene technology, consumer sentiment and market implications of the moratorium. DPIWPE will also provide a report to the Minister at least every 3 years on new gene technologies, consumer sentiments and new generation GMOs being developed.

We also highlighted the need to effectively market Tasmanian products as GMO free to fully gain the market advantages. The *Tasmanian Gene Technology Policy 2019-2029* also states that there will be a number of promotional activities under the *Tasmanian Trade Strategy 2019-20* in this area.

Given the commitments made for review and monitoring the TFGA has an expectation that the Bill will pass without amendment.

Yours sincerely

P Skillern
Chief Executive Officer
11 October 2019

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Mrs HISCUTT - Was the review comprehensive? The member for McIntyre suggested perhaps it was not as comprehensive as it should have been. I will run through how comprehensive it was. In December 2018, the Minister for Primary Industries and Water, the Honourable Guy Barnett, announced the Department of Primary Industries, Parks, Water and Environment would undertake a review of Tasmania's moratorium on genetically modified organisms prior to the moratorium expiring in November 2019. The review examined the potential marketing impacts of

extending or amending the moratorium or allowing it to expire under the following terms of reference -

- (a) the potential market advantages and disadvantages of allowing or not allowing the use of gene technology in Tasmanian primary industries, including food and non-food sectors;
- (b) domestic and international gene technology policy relevant to primary industries;
- (c) research and development relevant to the use of gene technology in primary industries; and
- (d) any other relevant matters raised during the review.

Those four points are fairly comprehensive. The focus of the review centred on trade and marketing considerations associated with the GMO moratorium, the experience in other jurisdictions and any gene technology developments that may warrant a consideration of the moratorium now or into the future. So the department certainly considered what would happen in the future.

An issues paper was prepared by the department and released publicly. It was sent to all stakeholders and placed on the department's website. The review was undertaken by a government working group led by DPIPWE with representation from the departments of State Growth, Premier and Cabinet, Treasury and Finance, Health and Human Services as well as Brand Tasmania.

To inform the review, the Department of State Growth commissioned surveys of the attitudes towards GMOs in the domestic market and in Tasmania's key export markets of Japan, China and South Korea. The international market research was undertaken by the Australian Trade and Investment Commission - Austrade - the country's leading body helping Australian businesses to develop international markets.

Specialist food market researchers and analysts Freshlogic Pty Ltd undertook domestic market research to inform the review. Both Austrade and Freshlogic are independent bodies and do not have a specific interest in whether Tasmania maintains its GMO moratorium. Following a five-week consultation period, which included a public call for written submission and targeted stakeholder meetings, 76 submissions were received. The consultation period concluded on 26 April 2019.

Of the submissions, 63 of them - 83 per cent - indicated clear support for the continuation of the moratorium. They included submissions from the community, businesses and peak industry bodies from the beef, wine, honey, fruit, organics and salmonoid industries. The position of businesses from other industries, including dairy, poppies and canola, varied according to the product being offered or market being accessed.

Six submissions, many from businesses with an interest in the canola industry, called for the discontinuation of the moratorium. Six other submissions indicated they would benefit from amendments to the moratorium, including removal of the option to apply for exemptions for certain non-food GM crops, removal of the exemption for imported animal feed containing non-viable GM material, modification to the adventitious presence threshold limit or application of a blanket

moratorium that would wind back the ability to apply for a permit to deal with GMOs in Tasmania. One submission did not recommend a specific policy position on the moratorium.

Members can see a fairly varied range of opinions came forward. The final report to the review outlines the findings and recommendations of the review, concentrating on the major themes associated with the advantages and disadvantages of the moratorium to the state's markets, marketing and brand. This is because under the national scheme for regulating GMOs, states can only regulate for marketing purposes. The final report and submissions to the Review of Tasmania's GMO Moratorium are available on the DPIPWE website.

Members, I would say that was a fairly thorough review.

The member for McIntyre asked why the moratorium was now being extended to 10 years when it had previously been five. I can advise that based on the submissions received on the duration of the moratorium, the Review of Tasmania's GMO Moratorium final report made the finding that -

The duration of the moratorium, if extended, could be 5 years as determined in previous reviews, 10 years or indefinitely to provide certainty for industry, noting the importance of a formal mechanism that would trigger a policy review.

This finding was based on submissions received during the review that made comment about the duration of the moratorium. Of the 63 submissions that recommended the moratorium be maintained, 17 explicitly requested that the moratorium be extended indefinitely.

The Government considered all the views in submissions and the options presented in the final report to determine how long to extend the moratorium, noting the moratorium is for marketing purposes. The decision was made to extend the moratorium for 10 years with the comprehensive review mechanisms provided in the Tasmanian Gene Technology Policy 2019-2029. This provides a balance between providing consistency and confidence for agrifood businesses that benefit from the moratorium, while ensuring that Tasmania does not miss out on opportunities presented by gene technology developments.

It is important to note that since the GMO moratorium commenced in 2001, no reviews or interim environmental scans have found a reason to lift the moratorium. This is not to say that there will not be a gene technology development in the future that warrants a consideration of the moratorium, which is why we have the comprehensive review mechanisms built into the policy. Extending the moratorium to 10 years will provide advantages for industries that rely on the moratorium and as Mr Bourke said, it will give them certainty.

The member for McIntyre also asked what growth in Tasmania's agriculture sector could be attributed to the GMO moratorium. A key target of the Government is to grow our agricultural sector to \$10 billion by 2050. Through delivery of the agrifood plan, the state is on track to meet this goal with the most recent figures from the Australian Bureau of Statistics showing a 9 per cent increase in the annual value of agriculture production to \$1.6 billion in 2017-18.

To continue this growth, it is essential we maintain and strengthen Tasmania's reputation for producing premium products that are safe, clean and reliable alongside other factors that drive growth, such as industry development and investment in irrigation infrastructure.

Our GMO-free status is a key part of Tasmania's brand and reputation, offering marketing advantages for our high-quality, high-value primary industries which contribute to this continued growth. It sets Tasmania apart in both the domestic and international markets from other competitors that may have the clean green aspect of their brand but not the GMO-free component.

This allows Tasmania to gain access to premium markets that have the capacity to and will pay for our premium products, which in turn will underpin further investment by industry in Tasmania.

There were a few comments about Tasmanian Alkaloids and its position. I can advise that Tasmanian Alkaloids did not mention the duration of the moratorium in its submission. I will just quote a bit from its submission -

Tasmanian Alkaloids Pty Ltd continues to enjoy exemption under the current moratorium in relation to GMOs in Tasmania. If the current moratorium were to be extended in its current form Tasmanian Alkaloids could, and would, continue to operate under its auspices without any adverse effect on its current Tasmanian operations.

Ms Rattray - I read that article.

Mrs HISCUTT - It is the department's understanding Tasmanian Alkaloids supports the moratorium, including the current ability to apply for an exemption for pharmaceutical poppies. This is a longstanding policy position held since 2009 and continues in the updated policy.

Mr Deputy Chair, I seek leave to table the Tasmanian Gene Technology Policy 2019-2029, which, among other things, outlines the ability to apply for an exemption for pharmaceutical poppies.

Leave granted.

Document incorporated as follows -

A ten year moratorium

The Tasmanian Government has a target to grow the farm gate value of agriculture to \$10 billion by 2050, underpinned by a comprehensive Agri-Food Plan that will capitalise on Tasmania's competitive strengths to create jobs and sustainably grow the sector.

Tasmania's GMO-free status currently supports food producers to leverage the State's competitive strengths in agriculture, that is, rich soil, favourable climate, abundant water, biosecurity, innovative businesses and premium brands.

The Tasmanian Government will maintain a moratorium on the release of GMOs into the Tasmanian environment for ten years until November 2029.

There will continue to be regular reviews of developments in gene technology, markets and consumer sentiment, which can trigger a review of the position earlier should developments warrant it.

This Policy will be reviewed before November 2029 and a decision made on whether to further extend or amend the moratorium.

Framework

The importation, use and development of Genetically Modified Organisms (GMOs) in Tasmania, along with any other dealings, are regulated by laws at both Commonwealth and State levels.

At the Commonwealth level, Tasmania participates in the National Gene Technology Scheme, which governs matters relating to the human health, safety and environmental impacts of GMOs. The Scheme provides a uniform system to regulate the development and use of gene technology in Australia.

The Tasmanian Government will continue to exercise its rights and meet its obligations under the National Gene Technology Scheme through the *Gene Technology (Tasmania) Act 2012*, which implements the Scheme in Tasmania.

Under the Scheme, States can regulate dealings with GMOs for marketing purposes. Tasmania has since 2001 maintained a moratorium on the commercial release of GMOs into the Tasmanian environment.

The Tasmanian *Genetically Modified Organisms Control Act (2004)* ("the Act") provides the basis for the moratorium and regulates dealings with GMOs for 'marketing purposes'.

This Policy and the Tasmanian Gene Technology Guidelines ("the Guidelines") describe the dealings that may be authorised under the Tasmanian Genetically Modified Organisms Control Act (2004). The Guidelines also provide the operational details on how this policy will be implemented by the Department of Primary Industries, Parks, Water and Environment (DPIPWE), as the lead agency on GMO policy for primary industries in Tasmania. The Policy and Guidelines may be amended by the Tasmanian Cabinet.

Monitoring and review

GMOs may provide opportunities to enhance the competitiveness of the State's agricultural sector. However, the potential use of GMOs requires careful consideration to ensure there are no negative impacts on markets or on the State's brand.

A full review of this Policy will be undertaken before November 2029 to inform a decision on whether to further extend or amend the GMO moratorium prior to its expiry.

DPIPWE will implement evidence-based GMO monitoring and review to continuously assess developments in gene technology during the period of the moratorium, including emerging technologies, policy changes, consumer sentiment and market and branding implications.

At least every three years DPIPWE will provide a report to the Minister on developments in gene technology and market changes. Specific matters to be reported include:

- consumer sentiment in important current and potential future markets;
- new gene technologies that provide positive benefits to primary industry sectors and Tasmania as a whole; and
- development of new generation GMOs that provide health or other benefits.

DPIPWE will advise the Minister if, based on evidence, there are significant developments in these areas that warrant triggering an earlier review of this Policy before the maximum ten years.

The Minister can also direct a full review of the Policy at any stage during the period of the moratorium if developments warrant it.

The Tasmanian Government will strive to ensure that measures to safeguard Tasmania's GMO-free status remain appropriate to a changing risk environment, particularly as more GMOs are adopted in international and national jurisdictions and in markets that supply products to Tasmanian primary industries.

DPIPWE will also monitor the risks associated with maintaining Tasmania's current GMO threshold levels and any alternative options.

Pharmaceutical poppies

The Government is maintaining the existing policy, held since 2009, that allows for the use of GMOs in pharmaceuticals poppies not intended for use for food or feed, provided all statutory requirements are met and that markets for Tasmania's GMO-free food products can be maintained and appropriate co-existence arrangements developed.

In anticipation of the pharmaceutical poppy industry investing in research and development (R&D), DPIPWE will work with the industry and key stakeholders on co-existence strategies for managing any potential risks associated with Genetically Modified (GM) non-food pharmaceutical poppies.

Other GM plants and animals

It is the Government's intention that all GM plants (other than non-food pharmaceuticals) and GM animals remain prohibited, except for gene technology used in Physical Containment Facilities for applications such as research for, or production of, human medicines or therapeutics, closed loop industrial processes and animal feeds with non-viable GMO material.

The Government also wants to encourage biotechnology research innovation in Tasmania. The Government also supports research into other GMOs in Tasmania in Physical Containment Facilities provided all statutory requirements are met.

Conventional Research and Development

The Tasmanian Government recognises the importance of research to primary industries in this State and acknowledges the tremendous capacity for innovation amongst local scientists, technical service providers and primary producers.

The Government is committed to better aligning research and development activities to improve productivity and industry competitiveness. Tasmania has the potential to be best in the world at conventional agricultural production.

Accordingly the Government will actively promote investment in non-GM research and development in primary industries, including non-GM crops and pastures.

Emerging technologies

From October 2019, under the National Gene Technology Scheme, the gene editing technique SDN-1¹ will not be regulated as a GMO on the basis that organisms modified using SDN-1 pose the same risk as organisms carrying naturally occurring genetic changes.

There currently is uncertainty around the national decision not to regulate SDN-1 modified organisms amongst Tasmanian businesses that export to markets that continue to consider SDN-1 modified organisms as GMOs.

The Tasmanian Government will consult with stakeholders to develop state-based regulation to control the commercial release into the Tasmanian environment of SDN-1 modified organisms. The Regulation will ensure that in Tasmania SDN-1 modified organisms are effectively regulated the same as GMOs in the agri-food sector for marketing purposes.

This will maintain the status quo and provide a clear and consistent message in the market-place for those Tasmanian businesses and industries that rely on Tasmania's GMO-free status.

¹ Genome editing using the Site Directed Nuclease (SDN) technique employs an enzyme known as a nuclease to cut a specific DNA sequence recognised by the enzyme. When the break is allowed to repair naturally and results in a random change to the DNA sequence, the resulting organism is known as an SDN-1 organism. The SDN technique typically uses one of four nucleases: a Zinc Finger Nuclease (ZFN), a transcription activator like effector nuclease (TALEN), a meganuclease or clustered regularly interspaced short palindromic repeats (CRISPR)-associated protein 9 (Cas-9).

Through the monitoring and review program under this Policy, the Tasmanian Government will also monitor technological developments, market access and sentiment. In doing so, the Tasmanian Government will consider market responses to emerging technologies and national changes and if necessary, will consider Tasmanian-specific approaches and GMO-free marketing opportunities to support Tasmanian businesses and industry to maintain their market positioning, whilst also maintaining compliance with the National Gene Technology Scheme. If required, the Minister may also direct a review of this Policy or, as the need arises, a review of the regulation should developments warrant it.

GMO-free marketing opportunities

The Tasmanian Government is committed to promoting an operating environment and policy settings that support our primary industries to grow. This includes protecting Tasmania's widely recognised brand attributes and unique biosecurity status.

Extending the moratorium on GMOs for a further ten years enables farmers, agribusinesses and food businesses to confidently invest in their own marketing and market development activities to sell their products and to demonstrate the value of Tasmania's GMO-free status.

The Government will work with agri-food sectors to identify how our competitive advantages can play a greater role in Tasmania's premium brand attributes. This may include taking appropriate action to support Tasmanian industry and exporters with branding, market access and supply chain assurance to segregate and differentiate our GMO-free products in the marketplace.

Brand Tasmania will have a strategic role in brand positioning and communication with key markets.

The Tasmanian Trade Strategy 2019-2025 and Action Plan contains a number of initiatives which support the GMO moratorium, including:

- Promotional materials: targeted country and sector-specific promotional materials such as videos, brochures, online content and presentations for business and government to use during trade activities.
- Portal: Develop an online portal for Tasmanian businesses to submit market access, behind the border, and trade logistics concerns. This portal will be managed by the Department of State Growth and to facilitate responses and support from across government and with assistance from industry experts.
- Market Access Coordinator: Appoint a Market Access Coordinator to coordinate advocacy to relevant Australian Government agencies for Tasmanian market access priorities and provide solutions to technical issues that affect Tasmanian exporters.
- Certificates of Assurance: Exporters routinely and regularly request Certificates of Assurance. These Certificates are signed by the Premier. They refer to certain product and quality 'market values' that, according to the relevant exporters, appeal to their overseas buyers and assist them in promoting Tasmanian product. Certificates are issued once the department has received reports and/or verification from accredited auditors or suppliers details of purchase to verify the products. Audit costs are borne by the relevant exporter.
- Trade Advocates: to champion our state and work with us to help promote Tasmania's capabilities and our strong reputation for quality to the world.
- Sector specific trade events and inward buyer/delegation visits

Communication

The Tasmanian Government will develop communications materials and regularly engage in activities that explain developments in gene technology and provide information on GMOs, consumer trends and market developments for all stakeholders.

The DPIPWE website will be used as a key means of communication along with the Department of State Growth's website and trade portal in relation to trade aspects.

The Policy and supporting Guidelines are available on the DPIPWE website (www.dpipwe.tas.gov.au).

Effective date of this Policy: September 2019

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4 -

Section 36 amended (Expiry)

Mr DEAN - Mr Deputy Chair, I move -

That clause 4 be amended by:

Leave out '25 years'

Insert instead '20 years'.

I probably do not need to say much about the amendment. A lot was said during the second reading speeches. I will make one or two comments. Interestingly the Leader, during her position on clause 1 commented that 10 years is there to provide certainty. It does not do that. The agreement and position provided were that this review will take place at the end of each three-year period, or about that period. It was stated during the briefings that if anything extraordinary came out in relation to the movement in GMO gene technology which was beneficial to this state, we could make those changes and go down that path.

It does not give certainty. It is not saying, unless those statements were wrong, that it is guaranteed it will not change within the next 10-year period. Do I have that wrong?

The previous government and this Government were happy - I think they have given them one extension of five years - with five-year extensions. This sat pretty well with most groups, most people. That is the way we have moved forward. Now, all of a sudden, we say we see a 10-year movement being made. In all the submissions made to this bill, how many supported or mentioned 10 or five years? I suspect a lot did not mention any at all. We were not given those details of figures in relation to it. Maybe the Leader can do that and provide some of those details of exactly where the people putting those submission in - how many sat with the current position of five or 10 or what have you.

There is no doubt we will eventually lift the moratorium. We will have to because we will not be able to compete with the rest of the world. That does not mean we will lose or have to forego our fresh, clean, green trading image in doing so. It does not mean that at all.

Why extend to 10 years at a time of enormous and massive change in the areas of agriculture, beef production, pharmaceuticals, poppy growth and others? At a time when the Government has this ambitious position of growing the value of Tasmanian agriculture from \$1 billion to \$10 billion by the year 2050? Why would you go down this path at this time?

As David Armstrong said yesterday, to reach that position - that is, if the Government is serious at all about this, and I am not too sure it is because they are going down this path and others - will require a compound growth of at least a 6 per cent increase in produce sales from this state annually for the next 30 years.

Mrs Hiscutt - That is why we are building irrigation schemes.

Mr DEAN - Good you mentioned that, you must have read my notes.

That can only be done by way of increasing our productivity rates, producing more higher value produce and getting higher value from existing produce. Our irrigation schemes have done much to improve productivity. They have opened up areas of agriculture for produce we would never have dreamed of a few years ago. Yes, we have made some headway there, but we are not going to be able to make the headway on irrigation alone at a 6 per cent increase for the next 30 years. It is going to take a lot more than that.

I agree that when this bill was first brought into being, around 2004, I could have accepted that perhaps a 10-year period might have been acceptable and reasonable then. Since then, three years extended to five years, which was all been very successful and did not impact - to my knowledge - to the detriment of any businesses, markets, honey producers or anybody else.

To my understanding, it did not impact negatively the labelling of honey that was being produced, as raised by Mr Bourke. Those extensions did not prevent beekeepers from printing their labels and marketing their produce. I thought it was a bit rich of Mr Bourke to suggest that those wanting the five years - I think he was referring to Mr Armstrong and Ms Davis - were loud voices with vested interests when he is a honey producer and president of the association. He has a far greater vested interest than either of those two people; the other two people had no vested interest at all, to my knowledge.

This is at a time of much movement in the area of gene technology with climate issues to consider - and there is so much being said about climate change and what we are going to have to do in the future, the changes we will have to embrace, the changes we are going to have to make to ensure we can continue to do the things we are currently doing and improve what we are doing. This is coming about at this very vital time of much activity in relation to climate change.

Five years is considered, in my opinion and that of many other people, to be a more acceptable period. If anything, at this time of change and required change, I might add, a shorter period probably should have been considered.

Hence, at one stage I considered three years. It was put to me by some people that three years would be a reasonable time at this stage for an extension to this. However, I relented and conceded that we have had five by five by five years so perhaps another five years is the way to go at present.

Why did the Government suddenly change it to 10 years? Was it an election promise, or was it done wholly and solely on the submissions provided to the Government on this bill?

The TFGA, in its original submission on the bill, strongly supported a five-year turnaround period and from that, maintaining the status quo. I will read from its submission in just a moment because the Leader did not do that - not to my knowledge.

The TFGA confirmed that position to me on 7 October 2019, and on 11 October 2019 it confirmed support for the Government's position of 10 years, so I probably should refer to those documents. I need to read them to ensure that it is fair to all concerned.

The TFGA submission is dated 2019. I think it might have missed the date out of it but the Leader will confirm to me this the right submission I am reading from. It is signed by Peter Skillern, Chief Executive Officer, 2019.

I only intend to quote two or three parts from this. I do not intend to read through the whole submission -

As technologies in gene editing and genetic modification continue to evolve and be better understood, we need to be open to changing the moratorium if needed to access this technology. Gene editing and GMO technology is rapidly evolving and changing, and we need to be aware of these changes and how they could benefit Tasmanian agriculture. If the benefits outweigh the gains of remaining GMO free, we need to seriously consider changing our position on the GMO Moratorium.

We also recommend that the timeframe to review the GMO Moratorium be no more than five years. Technologies in gene editing and genetic modification are rapidly changing and therefore our status needs to be reviewed and considered regularly. Markets can also change rapidly and our market advantage of GMO free also needs to be reviewed regularly. We also recommend that market access for Tasmanian GMO products is constantly reviewed, as well as gene technology being used interstate and internationally, and if needed, a review triggered earlier.

I will read the next paragraph in full because there is a part for and against, in fairness to TFGA -

Gene editing and GMOs are being utilised globally to the advantage of agricultural industries. Remaining GMO free has the potential to disadvantage Tasmania due to limited access to these technologies that can improve yield, production, efficiency and animal health. However, remaining GMO free provides Tasmania with a unique opportunity to market our produce to the rest of the world. This is a significant advantage and if utilised correctly, creates benefits to our state.

Therefore, we do support the GMO Moratorium in Tasmania on the condition that it is utilised and marketed correctly. We also recognise that this is a continuously evolving area and believe the moratorium needs to be reviewed regularly and monitored constantly, and if the benefits no longer outweigh the gains, removed.

That was in the original TFGA submission.

I then wrote to the TFGA to get a position in relation to this matter. I received an email from Mr Skillern dated 7 October 2019 and it reads -

The Bill is generally in line with our submission which supported the extension of the Moratorium. However, in our submission we suggested an extension of no more than five years, but the extension in the bill will be for ten years.

We also recommended regular reviews of the advantages/disadvantage of being GMO free. According to the *Tasmanian Gene Technology Policy 2019-2029*, there will be regular evidence-based monitoring and reviews of gene technology, consumer sentiment and market implications of the moratorium. DPIPWE will also provide a report for the Minister at least every 3 years on new gene technologies, consumer sentiments and new generation GMOs being developed.

We also highlighted a need to effectively market Tasmanian products as GMO free to fully gain the market advantages. The *Tasmanian Gene Technology Policy 2019-2029* also states that there will be a number of promotional activities under the *Tasmanian Trade Strategy 2019-20* in this area.

Kind regards

Peter Skillern

Then, and the Leader might have tabled this latter document, it identifies that it supported the Government's position of 10 years. I do not intend to refer to that document. That document is dated three days after mine - and four days after the document I received. It is dated 11 October 2019. Again, in fairness to the TFGA, it emailed me yesterday in relation to this matter and I need to read that in also -

Please can you provide this email to Ivan - I understand that Ivan is sitting today discussing the Bill.

The TFGA would like to confirm our support to extend the GMO Control Amendment Bill to 10 years, as per our correspondence to the Leader of the Government, the Hon. Leonie Hiscutt - see attached.

Also, after reading our email that went to Ivan recently it may have been somewhat confusing, but to confirm, we support a 10 year extension.

Regards

Nick

It was important I read that in, Mr Acting Chair, in all the circumstances.

From all that, I ask: Why this change? Why has the TFGA gone down that path in a submission in the first instance identifying five years, then, from that period on, we had some changes occurring. Has it been as a result of work done by the TFGA? Has it been as a result of discussions between the Government and the TFGA? Has it been because of discussions between the department and TFGA? Why has it occurred? I do not know.

Ms Forrest - You would have to ask the TFGA that.

Mr DEAN - Why has it occurred? It is interesting. Very clearly, the TFGA at the time of the submission on this bill had a very clear position that it wanted a five-year extension - that is what one can read into their submission - and that did not occur. Very clearly, that was the position in the full submission provided. Again, I am not sure why the TFGA emailed that to the Leader. The Leader can explain that. I suspect it was something it did off its own bat. I do not know - maybe the Leader can add to this.

Having said that, quite a lot of information and support has been provided for the five-year position

I urge members to at least consider the amendment. It does not significantly change the position, other than it would require the act to come back to us at the end of or near the end of the next five-year period. That is all it would entail. Currently it is 10 years but in the meantime, a review will be done at the end of each three-year period.

It is a significantly changing environment. If you could speak to most of those environmentalists out there today and say GMO gene technology has the potential to save on the use of agricultural sprays, herbicides and all those other things people are very much up in arms about - and I do not blame them - I would be very surprised if you could not sell something like this to them. There is nothing worse than living - I used to - in and around farms who are continually using sprays. I used to live in a place where I was surrounded by farms all round me. It was quite horrendous to come back home of a night and find your washing, porch and windows covered in white substances.

This is the true potential of what GMOs have to give us. Having said that, I note where the numbers lie, I can count to 15 or 14. I urge members to at least give it some serious consideration. It is not something they should completely push out and not consider at all. I am now waiting for that avalanche to come.

Mrs HISCUTT - There are a couple of issues to cover there, so I will work through them as I go. We have to keep a grip on what we are talking about here. The only GMO crops approved and available for commercial cultivation in Australia are canola, cotton, carnations and safflower. Let us keep it under control - they are the only four registered in Australia. GM canola is the only crop currently suited to Tasmanian conditions. There are no other crops available for commercial cultivation. Members, we have to keep a grip on what we are talking about here.

The path to commercialisation can be lengthy, often years, involving approval from the Office of the Gene Technology Regulator. A GM crop will only be approved for commercial release when the regulator finds that GM crop is as safe for human health and the environment as the non-GM version. This involves a comprehensive risk assessment, including research and field trials. It is

important to note it is a transparent process. Public notification is required. Tasmania will have time to review our position and respond to it and ensure our producers do not miss out on an opportunity presented by gene technology.

While the member for Windermere is doing a wonderful job trying to represent the opinions of Mr Armstrong and Ms Davis, we have to keep a grip on what we are talking about. There are only four approved GMO crops and only one is suitable for Tasmania at the minute. Also, I can confirm it was not an election promise. This is what has come from the extensive review. I have explained how that review worked. It was very thorough. This is where this bill has come from.

This gives certainty to investing, marketing and branding over a long time, noting the moratorium is for marketing purposes. The decision was made to extend the moratorium for 10 years, with comprehensive review mechanisms provided by the Tasmanian Gene Technology Policy 2019-29. It provides a balance between providing consistency and confidence in agrifood businesses that benefit from the moratorium and ensuring that Tasmania does not miss out an opportunity presented by gene technology developments and can respond to market and consumer sentiments in time.

The review mechanism is in place and it will look at consumer sentiment and new technologies that may provide benefits to primary industry sectors and Tasmanians as a whole. There is nothing missed; there is nothing overlooked.

With regards to the TFGA, they are big boys and can make up their own mind about what they are doing. Maybe they have reconsidered their position based on the review report that has come out, other information or maybe consultation undertaken throughout the review period. In its letter dated 11 October, the TFGA specifically says it 'supports the proposed Legislation as presented to the House'. I would also like to read into *Hansard* the TFGA media release dated 7 August 2019. It is titled 'GMO moratorium extended', and it says -

The TFGA today welcomed the news that Tasmania's GMO moratorium would be extended another ten years. The State's GMO-free status remains an important component of the Tasmanian brand and assures our agriculture products have access to markets that prohibit GMO products.

'Many international markets such as the European Market demand GMO free products. Tasmania is well placed to enhance and expand our footprint in these large lucrative markets with this announcement,' said Peter Skillern CEO.

'The State Government and Minister Guy Barnett are to be commended for providing surety to the sector and recognising the benefits in maintaining the moratorium and at the same time committing to regular reviews of developments in this area,' said Mr Skillern.

I state again this media release came out on 7 August 2019, and in it the TFGA is espousing the extension of another 10 years.

I encourage members to stick with what we have in this bill. There are built-in mechanisms if something fantastic pops up with GM technology; the catch-all clauses are there. I encourage members to go with the bill as presented.

[4.13 p.m.]

Ms ARMITAGE - Mr Deputy Chair, I appreciate the amendment by the member for Windermere. I am not going to support it, but I appreciate his right to put it forward. The reason I am not going to support it is very much because he actually convinced me not to support it by what he said. I read from the second last paragraph of my speech that -

I also note that DPIPWE will advise the minister, if, based on evidence from these reviews, there are significant developments in these areas that warrant the triggering of a review of the policy before the maximum 10 years and that the Government will continue to regularly monitor technological advances, markets and consumer sentiment.

Significant developments will trigger another review, so it might not be five years - it might be four years or six years or eight years. I understand the member for Windermere also asked how 10 years gives confidence - I guess it gives more confidence than five years. A review can be triggered, but I still believe it gives more confidence than five years. The other question I ask the mover of the amendment, as he asked when he stood up to ask the question about the TFGA, is: did he attempt to ask the TFGA why it changed its opinion? I know he mentioned it yesterday, so I am assuming he had time to send the TFGA an email or make a phone call. Rather than ask this Chamber why the TFGA changed its position, the member could answer -

Mr Dean - I did not ask the Chamber, I asked the Leader.

Ms ARMITAGE - Why would the Leader know? If I were going to ask the question -

Mr DEPUTY CHAIR - Order.

Ms ARMITAGE - All I am saying is, member for Windermere, if I moved an amendment, and was trying to provide evidence to get members to support me, I would not ask the Leader why someone else changed their opinion. I would be asking that person. I am simply asking if you could advise me in your closing argument whether you actually asked the TFGA why it changed its opinion. The TFGA could have given you the actual answer, rather than hearsay.

Ms Forrest - It could be argued they did not change their opinion because in August when they put out that media release, it may have been a misinterpretation or the way it was written. They also said in a subsequent letter that it may have been misunderstood. It may not be a change of position; it could have been the way it was interpreted.

Mr Dean - Not to me, not in their letter.

Ms ARMITAGE - It is also like when we stand here and we get more information. We might have an opinion early on when something first comes before us and the more information we get, we change our opinions slightly. That is what it is all about - more information giving you a more informed decision. While I appreciate the member for Windermere and his reason behind the amendment, I believe the evidence he gave about the fact that it could trigger a review is a good reason not to support the amendment before us. I will support the original bill.

Mrs HISCUTT - By way of clarity, I may have misunderstood the member for Launceston when she was talking about five, six or seven years. I imagine you meant developments in gene technology because a review will be done every three years anyway. As per the last five years, we

will be undertaking a review. I know that Hansard cannot see this, but quite a comprehensive review will be done.

Ms Armitage - Do you want me to clarify it?

Mrs HISCUTT - Yes, that would be good. Also the media release I read where they said they support the extension for another 10 years, was dated 7 August. That was a while ago.

Ms ARMITAGE - To clarify for the Leader, when I said five, six, seven years, yes, I do appreciate that. What I am saying is that I understand it is every three years and the member for Windermere is saying five, but it might be in two reviews' time, it might be six years or it might be in seven years that something is triggered. I am simply saying that it might not be 10 years - it could be any period in between. I do not really think it matters whether it is five or 10 years depending on anything triggering anything in the future. I appreciate there are three-yearly reviews.

Mr ARMSTRONG - I will support the amendment. While the member for Launceston said the member for Windermere convinced her not to support it, I think the member for Launceston convinced me to support it because of exactly what they said. They want it for marketing purposes. Where it can be reviewed every three years, or whenever, that does not give them security for marketing purposes so why do we not go with the five years? I think we all support an extension of some length. I do not think the security is there for the people now whether it be in 10 years and reviewed, or whenever. I do not have much to say because the member said it all when he moved the amendment. I will support the amendment.

Mrs HISCUTT - A quick response to that. It is for marketing purposes but to get to the marketing purpose you have to have a product to grow. If you go to the bank or something similar and you say you have this product that will be GMO-free but in five years time you might lose it, marketing is the reason for this - you have to have a product to market, so that is where that comes from. Hopefully I will convince you to change your mind.

Ms FORREST - I want to comment on my non-support of this amendment. First, I want to clarify - and the Leader can confirm or deny this aspect - that we are talking about two different things here in terms of three, five, 10, 100 years. The review can happen at any time when there are changes in technology and the moratorium stays in place unless the act is changed. So there are two different things. People are getting a little bit confused about this. A review can be triggered if there are changes in technology or consumer sentiment or some other factor that may arise. Anything is possible through a change of legislation.

The member for Windermere said it does not give any certainty - well, yes, it does. You have to come back to the parliament to change it. We believe in this state. This is a little bit off the track but it is demonstrating the point that the Hydro cannot be sold without coming back here with a three-quarter majority of the parliament supporting it, or something like that. I think that is pretty clear. You only need a simple majority in the parliament to change the act to remove that section. All you need is a simple majority of the parliament to change legislation.

If the government of the day said there was compelling evidence that warranted the removal or the lifting of the moratorium before 2029, it would have to come back to the parliament and the parliament would then decide, and we would have to be convinced that it was appropriate. In the meantime, there will definitely be a review in three years, but if it is warranted that an additional review be conducted earlier than that, it would be. It is two different things. We are not talking

about the uncertainty the member for Huon and the member for Windermere talked about. It is not related to the moratorium - it is related to when the review might be carried out. That is right. I think I have clarified that fairly well. The Leader might say, 'You are right'; that would be helpful.

I wanted to clarify that first because there has been some confusion. I would also like to congratulate the Government on taking a strong stand on this matter and the minister, Mr Barnett. This is a conservative government with a conservative minister at the helm of this important portfolio - a conservative minister who understands the value of our agricultural industry. I commend Mr Barnett for this particularly because he is a conservative. I particularly commend him on that point. It adds weight to the decision the Government has come to.

A couple of comments were made. The member for Windermere said this moratorium would eventually certainly be removed because how are we going to compete with the rest of the world if we do not? I do not believe we are trying to compete with the rest of the world because we are never going to be able to. What we are doing in Tasmania is recognising our small size, our high-value product, the niche markets we are selling to and the high prices we get. We are trying to appeal to the world with a product that gets us a premium price for our producers. That is exactly what is happening.

I talked to Peter Greenham. He does not live in my electorate but his business is located there and I do know the business; I have been there and talked to them. He sent me a copy of the submission. I want to refer to some of it because it addresses some of the reasons I do not support the amendment before the Chair. The submission has a few points that go to some of the points that have been raised. It says -

Cape Grim Beef is now widely recognised as THE best premium grass-fed beef brand in Australia, if not the world. It is found on the menus of the nation's leading restaurants and always enjoys a strong following in more than twenty five international markets.

When they were addressing the key questions in the review carried out by the department, I believe they did a thorough job. I find it disappointing that people would suggest they did not do the job. I feel offended on their behalf. I do not know if they feel offended or not, but I do on their behalf.

The question was asked: what products do you sell in domestic and international markets as 'Tasmanian' and/or 'GMO-free'? The response to that question was -

Greenham Tasmania sells 100% of its processed beef as 'Tasmanian' ...

So, that is obviously all Tasmanian. A lot of it comes out of King Island, which is still Tasmania. I am reminding people because sometimes people seem to think it may not be.

whilst the GMO-free portion of this (under our NEVER EVER program) constitutes 75% of our total output.

So, 75 per cent is branded GMO-free -

... This equates to almost 24,000 mt per annum.

A lot of meat. Then the second question: what market opportunities have you gained as a result of Tasmania's GMO moratorium? They answered this question by saying -

Our key opportunities have developed primarily in the high value USA market. We now have three major customers worth a combined total of \$60 to \$80 m[illion] who actively buy non-GMO project certified beef from the Smithton operation.

That is straight to the US from Smithton - \$60 million to \$80 million.

These customers represent significant volume and value to our business for the premium they are willing to pay for GMO free meat.

They also use the non-GMO product labelling on their consumer packaging. I know Hansard cannot record pictures, but if you look at the picture of their beef in this diagram, the GMO label takes up a fair whack of the packaging. Other comments, which I cannot read - I probably just can with my glasses - about being grass-fed, no antibiotics, no added chemicals. The primary promotional point here is the non-GM production. They then go on to answer the question -

If Tasmania's GMO moratorium was to expire, what would be the impact on your business?

I know we are not talking about an expiration right here, right now. But they have to plan ahead. They are a business with a lot of investment in my electorate, and all around the state where their beef comes from. They do not just come from Cape Grim. A lot comes from King Island -

As noted, the approximate gross value to the business is in the order of \$60 to \$80 m[illion] which would be diminished significantly when our product is competing with other countries (i.e. New Zealand) non-GMO beef products all sold on the commodity market.

I will just continue reading their answers -

It would become increasingly problematic for non-GMO beef producers to operate alongside enterprises that use GMO crops.

This is if GMOs were brought into the state. Not directly on their business, but in other parts of the state because their cattle are not only around the Smithton factory -

Separation protocols will need to be enacted and there is potential for farms to be excluded from our supply chain.

Some of these farmers who provide their meat to them would lose their contracts because of proximity to other crops, which would only be canola at this stage, if that were to be the case -

In general, we believe growing GM crops will diminish the overall 'natural' claim and provenance story that Tasmania currently enjoys and profits from.

The next question was -

Can you provide evidence of the financial benefits or cost to your business as a result of the current moratorium?

They answered -

We can command a substantial premium for non-GMO beef products which is reflected by the cattle prices enjoyed by producers ...

Producers - the people who grow the animals: the farmers -

... the cattle prices enjoyed by producers, of an additional approx. \$125 per animal over and above conventional cattle prices.

There is the benefit. They are not in the business of lying about what is really commercially important information to them. In talking about the need for certainty, a business is not going to invest in a new operation or new business without a degree of certainty. If something is hanging over them, they might think this only might be to our benefit for the next five years and they may think twice about it. Some of the bigger businesses that already exist may want to expand to increase the employment and other opportunities. They said -

We have invested heavily in producing a large range of digital and printed promotional materials and videos for both our supply chain programs and our four customer facing brands.

All of the brands, Cape Grim Beef, Bass Strait Beef, Pure Black Beef and Vintage Beef Co, are underpinned by the NEVER EVER Program and its major plank of non-GMO. In all these materials we use Tasmania's GMO free status as a point of difference.

It is not the fact that they are grass-fed, it is not the fact that they are hormone-promotant free.

As we stated in our last submission, and emphasise strongly again, Tasmania's GMO free status is a major reason why many of our customers are so enthusiastic about our natural grass fed beef and why they are prepared to pay a premium for it.

Specifically, it is striking a chord with USA customers who find it very difficult to buy GMO free beef because of the prevalence of genetically modified organisms in US agriculture. This program could not survive in its present form if we could no longer claim that Tasmania is GMO free.

I read comments from some of their customers and the businesses that work with them into my second reading contribution, and I will not repeat them.

In the terms of the impact on their business, they are talking about employment and local investment -

In the last five years we have invested several million dollars upgrading our plant and machinery, with preference given to local contractors and suppliers wherever

possible. More recently, we have invested in upgrading the port facilities at Stanley.

You could still have more access to that port - that is another matter, which we will talk about at another time. They have invested in upgrading the facilities at Stanley so it becomes a much more workable port -

This has reduced shipping costs for our King Island farmer suppliers and led to improved grading results which give them better returns for their NEVER EVER program cattle.

This is because they spend less time on the boat. It is not Bass Island Line who provide the service, it is good old Les Dick and Eastern Line. Actually, Greenham have bought the ships -

It is important to note that these investment decisions would not have been made unless we were achieving increasing sales volumes and better prices. Tasmania's GMO free status has been a major factor in our success and therefore a major driver of these investments. The plant provides consistent employment for over 230 Tasmanians. The company is a supporter of numerous sport and community organisations every year.

I know they provide much support in the electorate. They say in summary -

We now have major customers who rely on our non-GMO status and 'free from GMO material' in maintaining and growing their businesses.

This is the flow-on effect, other businesses are benefitting, like Kooee!

Any change in this will create significant issues for our company and theirs. We are a comparatively small producer and will never be able to compete in the high volume commodity sphere. Niche and premium is the only avenue to good returns.

This is what I was saying at the beginning -

It is Tasmania's GMO and HGP free status that underpins our capacity to obtain a premium pricing for Tasmanian beef. These premiums flow back to 1800+ farmers ...

It is not only workers at the factory; there are 1800-plus farmers and there are two, three, four on the farm, you multiply that, 'greatly improving their profitability'.

The price premium goes back to the producers. You might not want to believe it, but that is the truth -

Our ability to achieve premium prices for Tasmanian beef by highlighting its GMO free status has lifted the whole cattle market in this state. Removal of that status would risk seeing Tasmanian cattle prices return to their former discount level.

In the email Mr Greenham sent to me, he said it is hard to quantify the benefit exactly. It is impossible to be accurate. That is why they said approximately between \$60 million to \$80 million. But the 100 per cent we get gives benefit to the farmer through the non-GMO claims for our beef. They are saying it goes back to the farmer -

It has also opened up markets which we would never have had without the GMO-free status, like Whole Foods in the USA.

I mentioned that I went to Minnesota and to the supermarkets where Whole Foods are based. This is where it started, in Minnesota. The USA chose us to begin a program, as we are non-GMO. This is the core of their offering.

It is not just organic, it is the non-GMO the Americans are after. In New York, you go to the markets at Union Square and other places - it is all organic and the non-GMO is really a part of that.

The risks are too great to not give that certainty to businesses like this one, and there are many others. The Tasmanian Farmers and Graziers Association is a really important stakeholder in this debate, absolutely, but as the Leader said when it put out its media release, it supported the 10-year extension. We also need to remember they do not represent every agricultural producer in the state. They do not. There are other agricultural producers out there for whom they do not speak. We should listen to their voice - and we do, we pay them great credit and great respect - but they cannot be the only voice in this. Even if they were not in agreement, you would have to listen to other voices as well.

In terms of the comment about agricultural sprays and reducing them, it may reduce some but GM cotton on the mainland is still sprayed with all manner of stuff, even though it is GM. If we are going to support investment in this industry in Tasmania and ride on the marketing benefit, as the Leader said, and use that marketing benefit and see the premium price returned, which is demonstrated through the Greenham's story - there are others but I went to them because they are in my electorate and I know their business better than some others in the state - and increase the employment in the area, increase the returns to farmers, and they deserve it, this gives them the certainty to do that. It does give the certainty. The moratorium cannot change if we agree to this unless it comes back to parliament, but if more frequent reviews were needed - and I think the Government is pretty committed to that - I do not have any doubt that they are committed to reviewing it at least every three years, if not more. I cannot support the amendment.

Mrs HISCUTT - I thank the member for Murchison for explaining exactly how it works so I will reiterate and clarify a couple of things I want to get on record.

The three-year environmental scan is to determine whether a full review of the policy is required. This does not mean that the moratorium is lifted automatically but that the policy is reviewed to see whether the moratorium through the act should be lifted, amended or maintained. To be really clear - the environmental scan should be done every three years. I tabled that document - at the minute it is a 56-page annual environmental scan which will be done every three years. That may trigger a review, or the minister may trigger a review if there is compelling evidence to warrant it. The minister can trigger that review at any time. It does not have to be three-yearly and the outcomes of the review may be to recommend a change in the policy.

I would like to read into *Hansard* a particular page from the gene technology policy I have tabled - the monitoring and review section, just to make it clear -

GMOs may provide opportunities to enhance the competitiveness of the State's agricultural sector.

Which is where the member for Windermere is coming from -

However, the potential use of GMOs requires careful consideration to ensure there are no negative impacts on markets or on the State's brand. A full review of this Policy will be undertaken before November 2029 to inform a decision on whether to further extend or amend the GMO moratorium prior to its expiry.

DPIPWE will implement evidence-based GMO monitoring and review to continuously assess developments in gene technology during the period of the moratorium, including emerging technologies, policy changes, consumer sentiment and market and branding implications.

At least every three years, DPIPWE will provide a report to the Minister on developments in gene technology and market changes. Specific matters to be reported upon include: consumer sentiment in important current and potential future markets; new gene technologies that provide positive benefits to primary industry sectors and Tasmania as a whole; and development of new generation GMOs that provide health or other benefits.

DPIPWE will advise the Minister if, based on evidence, there are significant developments in these areas that warrant triggering an earlier review of this Policy before the maximum ten years. The Minister can also direct a full review of the Policy at any stage during the period of the moratorium if developments warrant it.

The Tasmanian Government will strive to ensure that measures to safeguard Tasmania's GMO-free status remain appropriate to a changing risk environment, particularly as more GMOs are adopted in international and national jurisdictions, and in markets that supply products to Tasmanian primary industries. DPIPWE will also monitor the risks associated with maintaining Tasmania's current GMO threshold levels and any alternative options.

I hope that alleviates some of the member for Windermere's concerns. Any review of the policy position would come back to parliament.

Mr DEAN - It certainly does clarify it. That is one good thing that has come from this amendment - some clarity around that issue. To make sure I am reading it or understanding it correctly, the department will be required to provide a report at the end of every three years to the minister on where this is progressing. In that report to the minister, it would identify any changes that might have occurred in this area during -

Mrs Hiscutt - Can I just insert there that environmental scans will be done every three years at a maximum, at least every three years.

Mr DEAN - Right. Does it then entail the minister, in accepting that report, to go to a larger inquiry or to a greater review? I was told yesterday that the stakeholders will also be involved somewhere in this process. Could I be given a clear position on the involvement of the stakeholders going through this process as well? I would appreciate it.

Mrs Hiscutt - While the member is on his feet, interested parties will be consulted when the scan is being done, then that would be put on the website.

Mr DEAN - Right, they will have that opportunity at that time to have input. I want to clarify another point. Leader, when you first spoke on my amendment, you said I was pushing the position of Mr Armstrong and Ms Davis.

Mrs Hiscutt - I did not say you were pushing, I said you were doing a very good job of presenting them.

Mr DEAN - But you mentioned their names; I think you mentioned their names. I think you did, I stand to be corrected on that. I want to make it perfectly clear and plain here today that it certainly was their position - they made no bones about that yesterday. They made no bones about that in previous discussions with me as well. But I assure you that other people have come to us; the member for McIntyre, I think, referred to one person as well. Another gentleman from this place has spoken to me on this. I do not think that should come as any surprise to any members. He has previously spoken very strongly in relation to the position of gene technology and the benefits, in his view, that we will see from gene technology in the near future.

Mrs Hiscutt - Thank you for the clarity on that.

Mr DEAN - I want to make sure that is clear - it is not just those two people, I want to make that clear.

It is not for me to cross-examine the TFGA on why it took a certain position and why it changed its position. There was an opportunity for the TFGA to tell me why it changed its position. I do not see any reason I should cross-examine it on that. Its position was clear in all those documents. In the last email to me, as I said, I wanted to make clear where the member for Murchison by way of interjection mentioned something about being misunderstood, or words to that effect. I wanted to just make that clear again, just so it is perfectly clear. If I can find it -

Ms Forrest - I said the interpretation might have been misunderstood. That is what I was saying.

Mr DEAN - Mr Steel said the way they explained it to me, in my email, is that they might have not said it as plainly and clearly as they should have done.

Ms Forrest - That is what I am saying. I was referring then to what you have said about that.

Mr DEAN - Yes, their email to me. It was in their text to me. Not in the submission they made. Not in the original submission they made.

Ms Forrest - That is what I am saying, because you mentioned it earlier.

Mr DEAN - That is clear. Having said that, as I said before, I believe five years is a better position to go with. That is what we have had previously. We have had five years by five years by five years. I thought that was the obvious way to go again now. As I said, there is support out there for it. But I can see where the members are going. I appreciate the discussion and the debate. There have been points clarified during this, which is great and good. It has not all been lost, in my view, and I appreciate that. I understand where members stand.

Ms RATTRAY - In the information the Leader just read out, she said the minister 'may' a couple of times. Can you clarify the 'may' part? Because we know that 'may' is not a 'must'.

Second, the 17 submissions that supported an extension, can I have a break-up of what was left? That is around 25 per cent of the 63 submissions, so can I have the break-up of the ones - for completeness sake - that actually were happy to go with what was already put forward? Again, I reiterate I have not opposed the extension of the moratorium and acknowledge there are businesses that have an expectation it was going to continue. It has never been about that. It was only about the length of the extension.

Mrs HISCUTT - The way it works is that an environmental scan is done at least every three years. A scan may trigger a review if there is something in there that says we need to look at it further, or the minister may, or can, trigger a review if some information comes directly to the minister. He may, say, do a review. He might not wait for the three-year period for the scan to be done. That is a safeguard.

I will go through it again. The environmental scan, which is this tabled document, will be done at least every three years and may trigger a review if there is something in there that says we need to look at it further, or the minister may just say, 'I want it looked at'. It is not a may or a must. If the minister comes into any information that they think needs something done, the minister could do that off the minister's own bat without waiting for this three-yearly review.

Ms Ratray - But it is not a three-yearly review. You just said it is a scan.

Mrs HISCUTT - Sorry, it is a scan. I beg your pardon.

Ms Ratray - It is an environmental scan. It is not a review.

Mrs HISCUTT - It is a genetic GMO environmental scan.

Ms Ratray - Scan, yes. It is not a review. So, there is not a three-year annual review.

Mrs HISCUTT - No, it is a scan, which could trigger a review if there is anything compelling there.

Mr Dean - So a scan is something that we have and we just have a look at it.

Mrs HISCUTT - It is a document having a look at things. It is a scan that is reviewing the situation. If a technological development or evidence or marketing is noted in the scan, that could trigger a review from the minister.

Mr DEPUTY CHAIR - I remind members they have had their calls.

Mrs HISCUTT - Were some other questions asked?

Ms Rattray - About the number, the percentage.

Mrs HISCUTT - One did not take a position, six wanted it ended, six wanted it amended, 17 wanted it to go on indefinitely, and 46 wanted five years or more, so they were in favour of what we are doing or better.

Mr ARMSTRONG - I just want some clarification: when the scan is done and whatever comes out of the scan says there should be a review, who can initiate the review of the time frame? Is it the minister only? Does the minister have all the say if there is to be a review done of it?

Mrs HISCUTT - An environmental scan is done at least every three years. That comes with recommendations. If there has been an advancement somewhere, there may be a recommendation in there that says we need to do a review. The minister would get it and have a look at the recommendations and say, 'A review is necessary; we will get a review done'.

Mr ARMSTRONG - It is up to the minister to say that, is it?

Mrs HISCUTT - The minister has the ultimate responsibility, yes.

Mr ARMSTRONG - Nobody else can initiate a review?

Mrs HISCUTT - The recommendation will be good enough - it would be fairly hard for the minister not to. The minister being able to trigger a review is a separate thing; the minister may get a letter from an agricultural scientist about gene technology and the minister off his own bat, without the scan in front of him, may say 'Let's do a review'. There are two mechanisms there.

Mr ARMSTRONG - But it is the minister that has the call.

Mr DEPUTY CHAIR - The honourable member has another call.

Mrs HISCUTT - Without a doubt, this is an environmental scan with recommendations that is delivered to the minister and the minister acts upon the recommendations, based on the evidence provided.

Mr ARMSTRONG - He must act?

Mrs HISCUTT - It is up to the minister. This is a public document, but it is up to the minister to say that a review is required - someone has to take responsibility. The recommendations will come; the minister will do it if it is recommended - that is one way of getting a review. The other way is for the minister, off his own bat, to say, 'I need a review because of this evidence that has been put to me outside of the scan'.

Ms RATTRAY - I am pleased I asked that question because it has made it very clear that no three-year review process is in place. It is an environmental scan so it is not a review. It is really important we make the distinction that it is an environmental scan and the community should not expect there will be a three-yearly review. Effectively there could be a review in nine years time. There could be three scans and one review. I just want to make that very clear so that everybody understands there is no three-year review for this process.

Mr DEPUTY CHAIR - Is that a question to the Leader?

Ms RATTRAY - Yes, that is a question to the Leader. That is a fact.

Mrs HISCUTT - We are trying to distinguish the difference between a scan and a review to make it easy to understand. This is a review - but the last part of it is a scan, but it is definitely a review. We are using the word scan so we can differentiate because the review is the review of the policy. The minister may determine, see a recommendation in here that says, 'You really need to have a hard look at this because the gene technology progress is so great, we need to do a really serious review'. The review is the review of the policy, whereby the minister would then say, 'You need to lift the moratorium or we need to extend it', or whatever is decided.

Ms RATTRAY - This is called 'Review of Tasmania's Genetically Modified Organisms Moratorium' and it is a final report. Will there be one of these at the end of three years or will we have an environmental scan only? That is what is important to understand from my perspective - whether there will be what we consider is a review and then a subsequent report or will the community expect to see an environmental scan publicly advertised?

Mrs HISCUTT - There will be this document which is called 'Genetically Modified Organisms Environmental Scan'. Environmental scans will happen at least every three years and may trigger a review, or a minister can trigger a review and the outcomes of the review may be to recommend a change to the policy.

Mr Gaffney - Do we review the scan or scan the review?

Mr DEPUTY CHAIR - Order, Mr Gaffney.

Mrs HISCUTT - The act includes the words - review -

Ms Rattray - But it is not a review, it is an environmental scan.

Mrs HISCUTT - Which could trigger a review. Would you like me to go through it one more time?

Mr DEAN - It is sad we are getting into the position we are. If the act says the three-year period is a review, it is a review. You said the act said it was a review?

Mrs Hiscutt - I beg your pardon, it is documented in the policy, not the act. I would like to correct that.

Mr DEAN - It is documented in the policy that it is a review, but we are now saying no, it is not a review it is a scan? Is that it?

Mrs Hiscutt - I can go through it again when you sit down.

Mr DEAN - I want to gain clarity around this. With the scan, are there going to be recommendations to the minister?

Mrs Hiscutt - That is correct.

Mr DEAN - Will the document be on the departmental website? It does not have to be tabled in the parliament?

Mrs Hiscutt - That is correct.

Mr DEAN - It will be available?

Mrs Hiscutt - It will have stakeholder input.

Mr DEAN - If the minister causes a review, quite obviously that would be known. I would have thought there would be publicity on the reasons for it. If a review is done, whatever time is set by the minister would occur with that document coming back to parliament. I think I have that pretty right now. I think I am pretty safe on it, my third time.

Mrs HISCUTT - To tidy that up, that review may recommend a change in policy.

Ms FORREST - It is worth noting at this point that while we are talking about scans and reviews and everything else, the second reading speech makes it clear that - let us call it the scan - it is a review of what is going on in the technological space, where there have been technological advances in the markets and in consumer sentiment. That is clearly outlined in the second reading speech and in the policy document also.

The reality is if the scan were done, and there was absolutely no reason to conduct a review - consumer sentiment has not changed a dot or became stronger in terms of maintaining the moratorium - you might want to go back and say let us make it indefinite. I do not know - there is no change in or it is stronger in support of an ongoing moratorium, or if technological changes or advances have not occurred that would benefit this state from altering the government of the day's policy and require a changed legislation. The policy does not change the legislation. The legislation can only change by coming back to parliament. The market would include the world markets, but also the market premium we can get in our marketing advantage. They would be the things we would be considering looking at the markets. If that environmental scan were done at least every three years, according to the policy, and indicated quite clearly there was no need for a full-on review and all the work that would go with that, the environmental scan report would say that, and the minister would respond and not undertake a review for no reason.

But if it said differently, the minister would, or the minister may, on the minister's own volition, because of other information coming to the minister - you wonder why it was not picked up - or maybe it comes to the minister's attention much earlier than that period. I do not think it is that confusing; it is just that there is a process here to see whether a full review needs to be done that may require a change in policy. If there is a change in policy, the only way to change what happens is to come back here.

The Committee divided -

AYES 3

NOES 11

Mr Armstrong (Teller)
Mr Dean
Mrs Rattray

Ms Armitage
Mr Finch
Ms Forrest
Mr Gaffney (Teller)

Mrs Hiscutt
Ms Howlett
Ms Lovell
Ms Siejka
Mr Valentine
Ms Webb
Mr Willie

Amendment negatived.

Clause 4 agreed to.

Clause 5 agreed to and bill taken through the remainder of the Committee stage.

LEGAL PROFESSION AMENDMENT (VALIDATION) BILL 2019 (No. 34)

Second Reading

[5.10 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council - 2R) - Mr President I move -

That the bill be now read the second time.

This bill seeks to clarify the range and type of persons or organisations the Minister for Justice can invite to make application for grants of money from the excess funds in the Solicitors' Guarantee Fund.

The bill is not intended to broaden the range of persons and organisations from those who are traditionally invited to apply. Rather it seeks to amend the act to clarify that the persons and organisations who can make applications for grants are those that provide legal or legal-related assistance, services, or advice, and includes instrumentalities of the Crown.

The bill also contains an amendment that validates certain past decisions to invite and/or approve grants from the excess funds in the Solicitors' Guarantee Fund. This validation is required for decisions dating from at least 2011.

The Solicitors' Guarantee Fund (commonly known as the SGF) is continued under section 358 of the Legal Profession Act 2007, having been previously established under the Legal Profession Act 1959.

The SGF is comprised mainly of interest generated by the moneys standing to the credit of legal practitioners' trust funds - that is, clients' funds being held, usually temporarily, by law firms. The SGF does not hold government funds.

The SGF is administered and managed by the Solicitors' Trust (the Trust). The Trust is an independent statutory body comprised of two legal practitioners and an accountant.

Under section 358 of the Legal Profession Act 2007, the SGF is to be applied by the Trust for the purposes of compensating clients of legal practitioners who have defaulted on their fiduciary duties, to cover the costs of the operation of the Legal Profession Board and Disciplinary Tribunal and for expenses incurred in the administration of the SGF. The SGF is also to be applied to other purposes approved by the Minister for Justice under section 361.

Section 361 of the act allows the Minister for Justice to approve grants of money from the SGF where the SGF exceeds the prescribed minimum threshold, which is currently \$8.7 million (Legal Profession Regulations 2018, regulation 69) taking into account ascertained and contingent liabilities.

Under section 361, the Trust must advise the minister that the SGF has exceeded the prescribed amount. On receipt of that advice, the minister may invite certain parties to make application for a grant of money from the SGF.

The act currently provides that the minister may invite the following parties to make an application:

- (a) the Legal Aid Commission of Tasmania or such other legal assistance scheme as the minister may approve;
- (b) the Law Foundation of Tasmania; and
- (c) any other person.

Section 361(5) provides that the minister may approve a grant of money from the SGF and may specify conditions under which the grant is made.

Over a number of years, government bodies and related organisations such as the Magistrates Court, the Director of Public Prosecutions, and the Sentencing Advisory Council have received grants for the funding of research or legal services that substantially improve access to justice, on the understanding that they came within the scope of section 361(2)(c) of the act.

Applications for grants have always been invited and approved on the basis that these bodies came within the scope of the words 'any other person' in section 361(2)(c).

It is a matter of public record that similar grants have been made on this basis in the past, over a number of years by successive governments. For example, payments from the SGF were made by a previous government between 2011 and 2013 to:

- the Sentencing Advisory Council, for various projects including data collection on sentencing of sexual assault offenders;
- the Office of the Anti-Discrimination Commissioner (as it was then known), for various projects including skills development for alternative dispute resolution, schools diversity education and training and development;
- the Magistrates Court, for the Hobart Specialised Youth Justice Court pilot evaluation report; and

- the Department of Justice, including for a UTAS Linkage Project.

Concerns have recently been raised about whether the language in the act is clear in terms of the intended recipients of funds from the SGF.

The amendments to the act made by this bill provide certainty as to the persons and organisations that can apply for and receive grants from the SGF.

The bill amends section 361 to provide that the Minister for Justice may invite applications from and/or approve grants to relevant persons.

The phrase relevant person is defined to include:

- a government agency;
- a court, tribunal or similar person or body acting judicially;
- a person or body, however constituted, that provides legal services or other law-related assistance or services and/or advice, or opinions, recommendations or reviews, on legal or law-related matters affecting the state; and
- such other persons or bodies as may be prescribed.

Relevant person also includes the Legal Aid Commission of Tasmania and the Law Foundation of Tasmania.

As I have said, the bill is not intended to broaden the range of persons and organisations from those who are traditionally invited to apply; rather it seeks to amend the act to clarify the scope of the existing provision.

The validating provision in the bill provides that past applications made in respect of, or approvals of, a grant of money are not invalid only because:

- they related to persons or bodies that provided legal services, or other law-related assistance or services, other than as part of a legal assistance scheme;
- the person or body was a relevant person; and/or
- the body was not a person.

The proposed amendments confirm and validate past practices in relation to grants. In effect, the amendments mean that any past applications or grants are not invalid so long as the relevant person or organisation would be eligible to apply for and receive a grant under the new amended version of section 361.

I commend the bill to the Council.

[5.18 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I have no issue at all with what is proposed with this amendment validation bill. We had an email circulated with a list of recipients for a number of

years. I do not have a hard copy, I have only just sat down and picked it up, it only came a few minutes ago. I respectfully ask the Leader to provide a copy to be included in *Hansard*. I cannot table it because I only have an electronic copy. I think it would be really useful. Anyone reading the list would be quite satisfied with the different organisations that support a number of particular entities right across Tasmania. It would be useful to include with the second reading speech. If the Deputy Leader was able to quickly grab a copy, it would be useful to table it in her contribution to the summing up of the debate.

[5.22 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I am seeking clarification on the document emailed to all members. Can I adjourn the debate? Mr President, I prefer that all members have the correct information, so if I could please adjourn the debate I would appreciate that.

Mr President, I move -

That the debate be adjourned.

[5.23 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I had no intention of holding up the debate. I quickly looked at the two-page list that came around and thought it would be of interest to many people. Some very worthy entities on that list have received funds from the Solicitors' Guarantee Fund, but I do not need to hold up the debate for it. The Deputy Leader can table it at another time if that continues the workings of the House.

Ms Forrest - In the Committee stage perhaps. It can be printed in that time.

Ms RATTRAY - At any time. I am certainly not about to hold up the debate.

Mr PRESIDENT - I thank the member. We will give the Deputy Leader a few minutes to seek additional advice.

Ms Howlett - Thank you, Mr President, I will seek some additional advice.

Ms RATTRAY - A point of clarification, Mr President. It is two documents and four pages. That is where my confusion is.

Ms Howlett - Mr President, I am happy to table both of the documents that have been emailed out.

Mr PRESIDENT - At the moment we have a motion before the House to adjourn. Do you want to adjourn or move forward into the Committee stage and table the document?

Ms Howlett - Mr President, I would like to move forward into the Committee stage and table the document.

Mr PRESIDENT - There are two choices here: we either vote down the motion to adjourn, or you can seek leave to withdraw.

Ms Howlett - Mr President, I seek leave to withdraw the motion.

Leave granted; motion withdrawn.

[5.27 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Thank you so much, member for McIntyre, and I am extremely sorry about the confusion and the lateness of the emailing of the documents.

As I said, you have been provided with the table that provides a summary of past grants made from the SGF. When they have a chance to look at it, members will see from that table the kinds of organisations and projects that have been funded in the past.

On occasions, grants have been provided to the Department of Justice, often in cases where it is convenient that the funds be held by the department even though they fund services provided by other organisations.

The definition of 'government agency' used in this bill was chosen as it reflects how the term is defined in existing legislation. It is not intended that in the future the SGF be used to fund the core services of any government agency or their outputs.

As I stated in my second reading speech and as the Attorney-General stated when this bill was before the House, this bill is not intended to broaden the range of persons or organisations from those who are traditionally provided with grants from the SGF. Rather, it seeks to amend to act to clarify the scope of the existing provision.

As members will see from the information they have been provided, that has not been the practice to date and this bill will not change that. To be clear, this bill does not represent a shift in policy but a clarification and validation of the status quo.

The status quo is an emphasis on using the SGF to provide grants that fund pilots, projects and initiatives, either one-off or reoccurring, rather than core business of organisations that will continue.

I thank all members for supporting this bill.

Bill read the second time.

LEGAL PROFESSION AMENDMENT (VALIDATION) BILL 2019 (No. 34)

In Committee

Clause 1 -
Short title

Ms HOWLETT - Madam Chair, I seek leave to table the document.

Leave granted.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4 -

Section 361 amended (Application to Minister for payment from Guarantee Fund)

Ms RATTRAY - Madam Chair, I would like to place on the record my thanks to the Deputy Leader and indicate they are from the SGF grant recipients from 2011-14 right up to 2019. There are more than four pages. I thank Mr Baily for finding those very quickly. Thank you, I appreciate being able to have them put with the bill.

Clause 4 agreed to.

Clause 5 agreed to and bill taken through the remainder of the Committee stage.

PLACE NAMES BILL 2019 (No. 38)

First Reading

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

ADJOURNMENT

[5.34 p.m.]

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

That the Council, at its rising adjourn until 11.00 a.m. Tuesday 29 October 2019

Motion agreed to.

Housing Tasmania - Meeting Disability Needs

[5.35 p.m.]

Ms WEBB (Nelson) - Mr President, I have a constituent issue which remains unresolved over an extended time and for which I have not been able to receive a satisfactory response from the Minister for Housing. I have been in contact with the minister's office about this matter, most recently with a letter on 26 September and have received no reply, even though I indicated the urgency. I will not mention anything that will identify my constituent, but I know that the minister will be clear on the particular case I am referring to.

These constituents are existing Housing Tasmania tenants. Their disability needs have escalated to the extent that their current home, tenanted through Housing Tasmania, is no longer safe or appropriate for them to be living in. It was determined that their existing home could not be modified to adequately meet their disability needs and a transfer to another property was identified as a way forward.

Housing Tasmania decided to modify an existing Housing Tasmania property to meet the disability needs of these tenants that they could transfer into. The tenants provided extensive information and expert medical and allied health professional reports on the specifics of their disability needs to inform the modification of that property.

In November, it will be one year since these constituents were told the property was ready to move into. They packed up their current home, booked movers to assist, paid for cleaning of their current home and were very excited and highly relieved to be moving into a safe and appropriate home.

However, the property into which they were to move did not meet their specified medically advised needs in an array of ways, including a gate for the yard that could not be opened by a wheelchair user; a lip in the doorway of the rear door and uneven steps into the backyard, entirely inaccessible in a wheelchair; whitegoods in a laundry that were not accessible in a wheelchair; considerable staining and sediment in the water that came through the taps throughout the property; no sinks in the property that were accessible in a wheelchair; unsuitable lighting for their disability needs; and concreting and lawn work in the backyard that presented dangers to their mobility challenges and more.

It would be difficult for most of us to imagine exactly how devastating it was for these people to find that their move was totally impossible given the extremely inappropriate state of the property relative to their needs. Since that time, one year ago next month, these people have lived out of boxes in their current unsuitable and unsafe home. They have spent their own money trying to make elements of the other property more suitable to their needs, so desperate are they to move in and find peace in a safe home.

They have been subjected to what I would say are judgmental and stigmatising attitudes in their dealings with the department. They have been left for months at a time with no formal communication from Housing Tasmania as to the status of, or progress on, their situation, including right now having had no correspondence from Housing Tasmania since July. Three months ago.

Even though the property was patently unsuitable to their needs in the modifications originally made, at great effort on their part and in the face of entirely insufficient communication, they have had to request and further make the case for each of their basic needs to be met in the property through further modifications or adjustments. This has included them personally financing specialist allied health reports with recommendations specifically on the aspects of the property that remained unsuitable.

Those aspects were many. There were aspects that have had to be undone, redone, fixed up and cobbled together. Even though the main tragedy here is the personal cost to these people, there has also been a substantial financial cost expended by Housing Tasmania that I suspect is vastly beyond what should have been reasonably required if the whole situation had been managed and implemented appropriately.

Across the 12 months that have elapsed since the transfer to the modified property was supposed to occur, these people have had their physical and mental health devastated. That devastation has occurred as a result of the stress, uncertainty and damaging interactions - not to mention the fact that they have had to try to manage to live as safely as possible in an entirely inappropriate property. Throughout this miserable odyssey, these people have remained polite and patient.

I first met these constituents in June, and were shocked by the treatment and experiences they had endured. Although we have been communicating regularly by electronic means, I had not visited them again in person until late September, at which time I was absolutely appalled to note the significant deterioration in their health on all levels.

I am not a medical specialist, but I would say that clearly this deterioration has been triggered by, and exacerbated by, the traumatic experiences they have been subjected to in managing their mess of a housing situation over the past year. I am 100 per cent certain that my view would be confirmed by medical specialists.

I was shocked to the point of tears to see the circumstances that these people have been reduced to. I have very real fears for their wellbeing. I fear that their health and wellbeing may not be recoverable from this experience. Let's remember, throughout this whole experience, these people have been in a powerless position in all their interactions with a government agency. They are highly vulnerable, they have been gutted by this experience. I regard this as tantamount to institutional abuse, a clear failure of policy and/or process.

My questions are: First, what duty of care does the minister and/or the Director of Housing have for these Housing Tasmania tenants whose escalating disability needs have rendered both their current home and their proposed transfer home unsuitable? Second, when will these tenants, who have experienced trauma and damage as a result of what appears to be significant Housing Tasmania mismanagement, have a home to move into that fully meets their disability needs?

The Council adjourned at 5.40 p.m.