Wednesday 14 August 2019

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

RIGHT TO INFORMATION AMENDMENT (APPLICATIONS FOR REVIEW) BILL 2019 (No. 14)

Consideration of Amendments made in the Committee of the Whole Council

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

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

Amendments read the first and second time.

Amendments agreed to.

Bill read the third time.

WORKERS REHABILITATION AND COMPENSATION AMENDMENT BILL 2019 (No. 20)

ELECTRICITY SUPPLY INDUSTRY RESTRUCTURING (SAVINGS AND TRANSITIONAL PROVISIONS) AMENDMENT BILL 2018 (No. 64)

Third Reading

Bills read the third time.

SUSPENSION OF SITTING

[11.06 a.m.]

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

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

This is for the continuation of our briefing.

Sitting suspended from 11.06 a.m. to 2.30 p.m.

QUESTIONS

Fuel Reserves - Tasmania

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

[2.31 p.m.]

With the recent media coverage regarding fuel reserves held in Australia, with Australia needing to approach the United States for emergency supplies of petrol, oil and lubricants -

(1) What dedicated fuel reserves does Tasmania have to ensure fire, police and emergency services and ambulances can operate in times of supply shortage?

(2) What fuel reserves does Tasmania have to ensure non-essential services can continue operating in times of shortage?

ANSWER

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

At a federal level the Minister for Energy and the Department of the Environment and Energy administer Liquid Fuel Emergency Act 1984. At a state level, the Minister for Energy and the Department of State Growth administer the Petroleum Products Emergency Act 1994. Both these acts contain complementary provisions to manage a fuel supply shortage, depending on whether that shortage is just in Tasmania or more widespread.

Coordination of the response to a multi-jurisdictional liquid fuel shortage is conducted through the National Oil Supplies Emergency Committee chaired by the Department of the Environment and Energy.

Tasmania's planning arrangements mirror the national essential services determination made by the federal Minister for Energy. This determination provides the following are to be treated as essential services during a declared emergency or rationing period, and they are -

- an ambulance service
- a corrective service
- a fire or rescue service
- a police service
- a public transport service
- a state emergency service or equivalent organisation
- a taxi service.

To specifically answer your questions -

(1) The Tasmanian Government does not hold strategic reserves of fuel. This is consistent with other jurisdictions. In the case of a Tasmanian shortage, emergency and essential services would be ensured adequate fuel supply by way of a ministerial order under the Petroleum Products Emergency Act 1994. In the case of a declared national liquid fuel emergency, the same services would be assured of priority of supply through national rationing and

prioritisation arrangements. In practice, fuel shortages are extremely rare and cooperation between fuel storage operators is able to redistribute fuel to enable all normal economic activities to continue.

The Department of State Growth has communication arrangements in place that monitor such situations.

(2) The Tasmanian Government does not hold strategic reserves of fuel and this is consistent with other jurisdictions. Any fuel reserves, or indeed general stocks, are subject to directions from the federal Minister for Energy during a declared national liquid fuel emergency.

The Department of State Growth has communication arrangements in place to monitor these requirements.

Whitelion Inc. - Closure

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

[2.34 p.m.]

It is estimated 150 young people, seven staff and more than 50 volunteers will be affected by the impending closure of Whitelion.

(1) Can the Government please list the established and quality service providers that will continue the work of Whitelion?

(2) Will these organisations be provided with additional funding to meet the needs of the 150 young people?

(3) Does the Government have specific plans to transition the 50 volunteer Whitelion mentors and their mentees to another service provider?

(4) If not, what transitional arrangements will be in place by 30 September to ensure these vulnerable young people continue to receive support?

ANSWER

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

(1) A number of existing programs are currently funded by the Tasmanian Government to provide support to young people at risk. These include the targeted Youth Support Program, Supported Youth Program, Moving On Program, transition from detention, bail support, the Lead Support Coordination Service and OutTeach programs.

A number of mentoring programs operating across Tasmania also specialise in supporting young people, including the New Mornings student mentoring program, the Mentoring and Personalised Support Services and THRIVE mentorship program. The new Strong Families, Safe Kids service directory also provides details of a number of programs and services accessible for young people at risk in Tasmania.

(2) Whitelion decided to cease operations in Tasmania to ensure sustainability of their organisation. The Government will continue to work closely with them to assess any impact their closure will have on existing participants of state Government-funded programs in Tasmania.

(3) Assessment of any impact on the closure includes consideration of how Whitelion volunteers might transfer their skills to other existing services, such as those I listed in the answer to question (1).

(4) The Tasmanian Government is engaging with a number of organisations across the community sector to ensure that young people involved in Whitelion programs continue to be supported. The Child Safety Service is actively working with vulnerable young people engaged with Whitelion who would benefit from ongoing services in considering the local options for service continuity in their region.

Livestock Transport - Effluent Waste Dumps

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

[2.37 p.m.]

(1) What discussions have taken place with the livestock transport industry in regard to the Government's announcement to establish strategically placed stock effluent waste dumps around the state?

(2) What key areas have been identified as priority locations to address this increasingly challenging issue for operators transporting livestock around the state?

ANSWER

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

(1) As the member has referred to, the 2018-19 Budget confirmed the Government's election commitment of $2 million over four years to build a network of truck and machinery washdown stations to improve biosecurity and farm hygiene, by disposing of waste, reducing potential spread of diseases and weeds and improving road safety.

This followed the development of the Powranna Truckwash as a pilot project, which was officially opened in December 2018.

The Livestock Transport Association of Tasmania was consulted on the Powranna project and since October 2018 has been specifically consulted on the implementation plans for the proposed effluent washdown station network. LTAT is also on a reference group, which includes departmental and local government representatives, for implementing such infrastructure in north-west Tasmania. Input has also been received from the Agricultural Contractors of Tasmania Inc. regarding the movement of harvesters and other field equipment, as well as the Tasmanian Transport Association, the Tasmanian Agriculture Productivity Group and other agribusinesses.

(2) The proposed statewide network is guided by the 2016 report, *Strategic review of the need for livestock truck wash down facilities in Tasmania from a biosecurity and hygiene perspective*, which is available on the Department of Primary Industries, Parks, Water and Environment - DPIPWE - website.

A high-priority site identified in that report - Powranna - was constructed as a pilot project. As already noted, this facility was officially opened late last year and offers a location for livestock trucks to wash down and empty effluent tanks.

As an aside, has the member heard anything about Powranna? Is it working okay?

Ms Rattray - I believe it is working. But that facility took four years to establish. I hope the next one does not take that long.

Mrs HISCUTT - Planning is now underway at Smithton, another priory project identified in the 2016 report.

Also in the north-west, DPIPWE, local government and others, including LTAT, TasWater and TasPorts, are participating in a reference group looking to implement washdown facilities and potentially standalone dump points in areas from King Island to Devonport.

The next stage will be in the north-east of Tasmania, identified in the 2016 strategic review as a prospective general location for a washdown facility.

Medicinal Cannabis - Access Regulation

[2.41 p.m.]

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

I thank the Government for taking this question as a question without notice. There are a number of parts to it but they deal with important issues raised by a number of people. I thank Ms Lyn Cleaver and the member for Murchison for their support in putting these questions together.

In December 2015 the Premier, Mr Hodgman, signed a memorandum of understanding - MOU - with the Premier of New South Wales, Mr Mike Baird MP, on medicinal cannabis, affirming the commitment of the two governments to work together to progress a range of activities as well as to work with other state and territory governments and the Australian Federal Police - AFP - to regulate access to medicinal cannabis products.

This MOU, in particular, dealt with clinical trials and further research as well as the development of cultivation of cannabis in Tasmania and New South Wales. I understand the parties also promised to explore opportunities for Tasmanian patients to participate in the trials. Will the Leader please advise -

(1) What progress has been made towards a range of activities as well as working with other states and territories and the AFP to regulate access to medicinal cannabis?

(2) What clinical trials and further research have been undertaken on medicinal cannabis?

(3) Have opportunities occurred for Tasmanian patients to participate in the trials? If so, how many Tasmanians have been included in these trials?

(4) If any action has been taken relative to medicinal cannabis, what has been accomplished?

(5) If nothing, what has changed?

(6) What is the Government's position regarding access to medicinal cannabis in terms of medical conditions that medicinal cannabis can be prescribed for, and regulation and/or approval of medical practitioners' prescribing rights?

(7) What is the current legal position to be met before a patient can be prescribed medicinal cannabis?

(8) How many instances have occurred where police have identified the use of cannabis for medical purposes and therefore not charged a person with possession?

(9) Is the Government intending to make any changes to controlled access to medicinal cannabis for medical purposes? If so, what changes are contemplated, and what is the time frame?

(10) How many individual patient cases have been considered for the provision of medicinal cannabis since the provisions became available?

(11) How many cases during the same period have been approved for provision of medicinal cannabis? What medical conditions was medicinal cannabis prescribed for?

ANSWER

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

(1) The Tasmanian Government has worked closely with the Commonwealth Department of Health and law enforcement officials to ensure an appropriate level of oversight is in place to regulate medicinal cannabis and maintain Australia's compliance with the International Narcotics Control Board's Single Convention on Narcotic Drugs 1961.

Department of Health officers participate in the following Commonwealth government working groups for medicinal cannabis -

- The Office of Drug Control convenes the Medicinal Use of Cannabis (Cultivation And Production) Working Group. This group includes members from medicines regulation, law enforcement, and agricultural and primary industries.

- The Therapeutic Goods Administration convenes the Cannabis Access Working Group, which primarily includes medicines regulators, consistent with the mandate of the TGA.

(2) Unproven cannabinoid products may be prescribed within the safeguards of a registered clinical trial in Tasmania where a suitably qualified specialist medical practitioner has obtained all Commonwealth - that is, TGA - and state (poisons legislation authorisation) and institutional (human ethics committee) approvals. This process is consistent with registered clinical trials of any unproven therapy in Australia and Tasmania.

Regardless of the drug treatment or medical condition, clinical trials require significant expertise and patient numbers to provide clinically and statistically meaningful results that contribute to the knowledge base and inform clinical practice.

I am advised that the number of medical cannabis trials underway around Australia is relatively low.

Cannabis and its derivatives are still not well understood from a plant science and pharmaceutical perspective. The agricultural and pre-clinical studies are fundamentally important to human clinical trial design. Without understanding what part of the cannabis plant is working on what part of the human body, clinical trial design is extremely difficult. A significant amount of research is underway in an agricultural science space to better profile the cannabis plant. The University of Tasmania has been working in this space.

(3) The opportunity to participate in clinical trials is highly dependent upon the inclusion and/or exclusion criteria set by the clinical trial investigators. There are no regulatory or legal barriers to a Tasmanian patient participating in a clinical trial researching unproven medicinal cannabis products.

(4) and (5)

The Tasmanian Government introduced the Controlled Access Scheme - CAS - in 2016 to allow Tasmanian patients access to unproven medical cannabis products under prescription from a suitably qualified medical specialist where treatment with conventional medication has been unsuccessful.

The implementation of CAS in Tasmania allows medical cannabis products to be accessed by patients under a comparable medical paradigm to other new and emerging medicines. It does not imply that unproven medical cannabis products are safe or effective medicines for the broader population. Rather, the scheme allows appropriately qualified specialist medical practitioners to prescribe these products to patients with extenuating clinical circumstances, where standard treatments have failed, and with suitable clinical monitoring.

Unproven cannabinoid products remain highly expensive, and the Tasmanian Government is the only government in Australia to subsidise the cost of these products to those approved, regardless of the medical condition.

From an industry perspective, several Tasmania-based companies have engaged with the Commonwealth Office of Drug Control and the Tasmanian Department of Health and are progressing, or have been granted, application for one or more of the following licences -

- cultivation - licence issued pursuant to the Commonwealth's Narcotic Drugs Act 1961
- research - licence issued pursuant to the Narcotic Drugs Act 1961
- wholesale dealing - licence issued pursuant to the Poisons Act 1971
- manufacturing - licences required to be issued pursuant to the Narcotic Drugs Act 1961 and Poisons Act 1971.

(6) The CAS does not specify which medical conditions are eligible under the scheme.

The Department of Health has the mechanisms in place to receive, consider and respond efficiently to any application made under the scheme by suitably qualified specialist medical practitioners. Specialists are experts in their field and therefore are in the best position to make decisions around medical treatment and care for their patients.

(7) To prescribe an unproven medical cannabis product, a suitably qualified specialist medical practitioner is required to apply to the Commonwealth's Therapeutic Goods Administration in order to import a product from overseas. This applies to all medical practitioners in Australia.

Locally, a suitably qualified specialist medical practitioner is required to be authorised under the Tasmanian Poisons Act 1971 to legally prescribe an unproven medical cannabis product.

(8) Tasmania Police does not keep statistics on the number of instances where a decision is made to not prosecute an individual, or the reasons surrounding that decision. Decisions to prosecute are dealt with operationally on a case-by-case basis.

(9) No changes are planned at this time; however the Tasmanian Government remains open to emerging clinical evidence and medical specialist advice regarding the safe and effective use of cannabis for medical purposes.

(10) There have been 17 applications by specialist medical practitioners to the Drug and Alcohol Clinical Advisory Service.

(11) The answer is 10. The majority of applications have been issued for the treatment of severe refractory epilepsies.

Tamar River - Silt Raking

[2.51 p.m.]

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

This question follows up a question I asked last week on this matter.

Would the Leader please advise -

(1) With regard to raking of the Tamar River, what date did this cease?

(2) Please provide the reason for ceasing the raking of the Tamar River, given that the grant authority had not yet expired and, from the answer provided last week, appears will not expire until September 2019.

(3) Moreover, according to the answer you provided last week, the grant authority provides for a review of data to inform future actions. Could the Leader explain what exactly this data is and will it become publicly available?

ANSWER

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

(1) Silt raking activities were last undertaken in the week ending 30 November 2018.

(2) This is a question best addressed by the Launceston Flood Authority.

(3) The data collected during silt-raking activities and used in the review consists of bathymetric surveys to determine the volume of sediment removed and the location of redeposition, dissolved oxygen, pH and conductivity. Analysis of 'grab samples' - samples of the bottom sediment - involves measures of total nitrogen, total phosphorus, ammonia, metals, nitrate, nitrite and dissolved nitrogen, dissolved phosphorus, dissolved ammonia and dissolved metals. The question of when the data will be publicly available is best addressed by the Launceston Flood Authority.

Colonoscopy and Endoscopy Waiting List

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

[2.53 p.m.]

With regard to answers provided on 8 August 2019, on the current waiting list for colonoscopy and endoscopy, categories 1, 2 and 3 at the North-West Regional Hospital, the Royal Hobart Hospital and the Launceston General Hospital, a follow-up question to answer (3), which was: what is the length of time each hospital has been over-boundary?

Will the Leader please advise the length of time each hospital has been over-boundary for each category? The answer provided earlier was a combined average, which is apt to skew the figures.

ANSWER

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

When I give the numbers, I will give three numbers, and it will be category 1, 2 and 3, in that order.

With regard to the North West Regional Hospital, it is 26, 39 and 41.

With regard to the Royal Hobart Hospital, it is 149, 335 and 145.

With regard to the Launceston General Hospital, it is 115, 231 and 117.

Vacant Nursing Positions

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

[2.54 p.m.]

(1) What is the current number of nursing positions vacant across Royal Hobart Hospital, Launceston General Hospital and North West Regional Hospital?

(2) Are these positions to be filled with nurses on contracts? If so, for how many hours will these contracts be?

(3) If these contracts are for 32 hours per week or less, what is the rationale behind this, given most nurses work substantially more than this on a regular basis?

(4) Are these positions full-time permanent positions?

(5) Across the abovementioned hospitals, how many nurses are currently on contracts of 32 hours or less?

ANSWER

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

(1) to (5)

Vacant position data captures positions at various stages of the recruitment process - from an advertised position right through to the stage of a job offer accepted with an employee yet to commence. As such, the Department of Health's data represents a point of time within the Tasmanian Health Service - THS - recruitment process rather than a true reflection of vacancies that are yet to be recruited to.

There were over 2600 applications for a range of nursing positions within THS in 2018, and the current turnover rate for THS nursing positions is less than 6 per cent. This is the lowest turnover rate since the 2013-14 financial year and well down on the 2015 rate of over 7 per cent.

I am advised that as at 30 June 2019, nursing vacancies at the hospital included a mix of fixed-term and permanent full-time and part-time positions. There were 169 FTEs at Royal Hobart Hospital; 72 FTEs at LGH; and 35 FTEs at North West Regional Hospital.

As at 30 June 2019, approximately 40 per cent of fixed-term and permanent nursing staff in the Tasmanian Health Service were contracted to work 32 hours per week or less, due in part to the nature of the roles required as well as staff preferences to work part-time.

Taxi Costs - Wheelchair Users

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

[2.56 p.m.]

This question relates to fees charged to people with physical disabilities who use taxi services in their daily lives.

Information on the Department of State Growth website includes a published list of maximum flagfall fees and tariffs for taxi clients. The flag fall fee for at least one person travelling in a wheelchair is $5.20. The flagfall fee for non-wheelchair-reliant passengers ranges from $3.60 to $5.10, depending on the area in which the taxi is operating.

Moreover, the waiting time charged throughout a taxi trip - such as when the taxi is in use but is going through slow traffic and not necessarily gaining much distance - for a person in a wheelchair is 73 cents per minute, or $43.77 per hour. For non-wheelchair-reliant passengers, this cost ranges from 64 cents per minute, or $38.25 per hour, up to 73 cents per minute, or $43.77 per hour.

Would the Leader please advise -

(1) How can State Growth mandate the charging of different fees depending on whether a person is in a wheelchair, when section 24 of the Disability Discrimination Act makes it unlawful for a person to withhold goods or services or change the terms and conditions, or the manner in which they are provided, on the grounds of a person's disability?

(2) Why is the taxi industry a special case in this instance? What is to stop other travel or service industries from having a separate 'special rate' for wheelchair users?

(3) What of people who are in a wheelchair but are not entitled to an NDIS Smartcard? Does this not effectively financially punish people in wheelchairs for having a disability, whether temporary or permanent?

ANSWER

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

(1) The Government is committed to ensuring that people who are wheelchair-reliant have access to wheelchair accessible taxis for their travel. In many instances, specifically modified WATs are the only available mode of transport.

In the vast majority of cases, people who are wheelchair-reliant travelling in a WAT do not face unjustifiable hardship nor are they treated less favourably because they pay lower effective taxi fares than other taxi users.

People who are permanently wheelchair-reliant have access to non-means-tested taxi smartcards. They receive a discount of 60 per cent up to a limit of $30 on all taxi journeys made in a WAT. The discount of 60 per cent offsets the higher tariffs. This discount means they pay lower effective fares than other users of taxis. For example, the amount of taxi fare

paid for a journey of 15 kilometres with eight minutes of waiting time during business hours in the Hobart taxi area is -

- for a wheelchair-reliant passenger - after 60 per cent discount, they will pay $17.38
- for a passenger travelling at the undiscounted cost - they will pay $37.82.

(2) The differential tariffs have been in place since WAT licences were introduced in 2004. The different tariff rates were originally intended to compensate drivers and operators for the additional time required to undertake a hiring when a wheelchair-reliant passenger travels in a taxi, which includes longer boarding time.

The subsidy is acknowledged as mitigating the effect of the higher fares, except in the case of long journeys, due to the $30 cap.

Government is aware of the concerns regarding the tariff differentials, but also notes that without compensation, drivers may not have sufficient incentive to give preference to wheelchair-reliant passengers. The effect of drivers being deterred could result in a reduction in services to wheelchair-reliant passengers.

(3) Any Tasmanian who is permanently wheelchair-reliant has access to a taxi smartcard, which provides for the 60 per cent discount. The Government has announced that National Disability Insurance Scheme participants will continue to have access to taxi smartcards until December 2023. This is notwithstanding that the National Disability Insurance Agency - NDIA - is responsible for providing transport support to NDIS participants.

The Tasmanian Government is leading work with the NDIA to ensure that NDIS participants are provided with funding through their NDIS plans to meet their reasonable and necessary transport costs.

FOREST PRACTICES AMENDMENT BILL 2018 (No. 61)

Second Reading

[3.02 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.

The Forest Practices Amendment Bill has been introduced by the Government to provide for the updating of the forest practices system in Tasmania and for improvements in the efficiency and effectiveness of this important regulatory framework.

The forest industry continues to provide significant levels of employment in Tasmania, both in the forest operations side and the associated downstream industries. Updates provided in this bill will improve the clarity of regulation practices in the forest operations sector for both the regulator and the industry participants.

The forest practices system has evolved over more than 25 years to become a complex system with many interrelated elements. The system recognises the many values that forests have, and the bill is designed to ensure the reasonable protection of natural and cultural values when forest practices are carried out. The forest practices system regulates forest practices, which are the processes involved in establishing forests, growing or harvesting timber, clearing trees or clearing and converting native vegetation communities, and associated works such as construction of roads and the development and operation of quarries.

The key objective of the Tasmanian forest practices system is to achieve sustainable management of public and private forests, with due care for the environment. Importantly, the forest practices system is based on a co-regulatory approach, involving self-management by the industry, with monitoring and enforcement by the Forest Practices Authority.

The Forest Practices Authority has the legislated function to implement and review the act, and undertake a role to implement continual improvements to the forest practices system. Through a process of ongoing review, a number of required amendments to the act have been identified that are necessary to ensure that the operational efficiency and effectiveness of the forest practices system in Tasmania can continue to be realised.

Turning to specifics, the bill provides a series of minor amendments that will provide clarity in relation to the persons responsible for reporting on operations under a certified forest practices plan, for the entire life of that plan. Currently, under the act, there is no capacity for the original applicant to transfer their responsibilities under a certified plan to another person. This is problematic when the original applicant is no longer involved with the implementation of the plan, either because the applicant has sold their interest to another party or the applicant has died, in the case of a natural person, or gone into liquidation, in the case of a company. The amendment allows for the original applicant's responsibilities to be transferred to another party, by agreement of both parties, and includes the requirement for the notification of the relevant landowner.

This both removes an administrative burden from the authority and allows the new applicant to implement the provisions of the existing plan, without having to incur additional planning and application costs for a new plan.

The bill will provide for a specific way in which the responsibility can be reassigned from the original applicant for the plan, and for the new responsible party to be identified to the authority.

The Forest Practices Tribunal is an independent body established under the act. Their role is to hear appeals against decisions made by the Forest Practices Authority under the act. The tribunal is made up of a panel of experts appointed by the Governor from specific areas of expertise including forestry, land management, agriculture and conservation science, and is chaired by an appointed legal practitioner. In order to maintain the independence of the tribunal, the current requirement that nominations are sought from specific industry bodies for the positions on the tribunal of persons with expertise in agriculture and forestry will be replaced with an open process calling for expressions of interest from persons with relevant expertise. The minister can then recommend preferred candidates to the Governor for appointment.

The act provides for the establishment of the Forest Practices Advisory Council. The role and functions of the council, which are further stipulated in the act, are to provide advice to the Forest Practices Authority on a number of matters related to the operation and review of the act, and on matters directly associated with forest practices. The council consists primarily of a representative

body of stakeholders. However, persons employed by the relevant departments in the areas of forest policy and nature conservation have historically participated in the Forest Practices Advisory Council meetings as observers.

The input from these experts is considered to be integral to the role of the Forest Practices Advisory Council and, as such, the proposed amendments will provide for the formal appointment of two relevant persons with expertise in forest policy and nature conservation to the council, in addition to the current level of broad stakeholder representation.

A further change has been provided in this bill regarding the membership of the advisory council with the addition of a forest practices officer who is not the Chief Forest Practices Officer to be appointed.

A key component of the forest practices system in Tasmania is the role that forest practices officers play. They have powers that allow them to enforce the act, the Forest Practices Code and provisions of a forest practices plan. In addition to these statutory powers, forest practices officers are trained to prepare and implement forest practices plans. Some forest practices officers also have a delegation from the authority to consider applications for forest practices plans for certification.

A forest practices officer can be an employee of the authority or employed by an external employer involved in the industry. The co-regulatory structure of the forest practices system makes it particularly important that high standards for forest practices officers are maintained and seen by the broader community to be maintained. There is general agreement in the forest industry that a code of conduct would be useful to provide clear guidance to forest practices officers when they are carrying out their responsibilities under the act.

The bill provides the board of the authority with the powers to prepare and issue a code of conduct for forest practices officers and requires the officers to conduct themselves, in their professional roles, in accordance with such a code. The code will be prepared in consultation with the advisory council and the forest practices officers, and will be required to be tabled in parliament as a disallowable instrument prior to being formally issued by the board.

The bill also provides for the Chief Forest Practices Officer to be able to direct a forest practices officer in the manner that the forest practices officers are to undertake their required roles. The Chief Forest Practices Officer is not able, however, to direct a forest practices officer in the exercise of their delegated power to make particular decisions.

This set of amendments is important and will go towards ensuring that a modern and consistent approach to the regulation of forest practices is undertaken by, and on behalf of, the Forest Practices Authority. It recognises the important link between the Chief Forest Practices Officer, who must administer the forest practices system on a day-to-day basis, and forest practices officers, who are implementing the system in the field.

One key element of the forest practices system is that it provides for reasonable protection of the environment, and the effective and efficient management of the forestry resource. This bill provides further clarification around the ability of the authority, or forest practices officers, to direct a person responsible for forest operations.

Specifically, this bill provides for directions to be given to a responsible person by a forest practices officer or Chief Forest Practices Officer, where appropriate and reasonable to do so, to

make good damage done and to rectify any such damage, including to revegetate or rehabilitate the land where that damage has been caused by unauthorised activities. This is an important amendment that will result in even better outcomes for the environment and the forest practices system in general.

Finally, the bill provides the authority with the discretion to allocate funds received from fines directly to a person who has incurred costs associated with revegetation or rehabilitation of any land damaged due to noncompliant activities under the act by another party. The current provisions require a person to seek compensation through the civil court process for costs incurred. The proposed amendment will provide a fair and equitable way of recompensing an aggrieved party under such circumstances.

The forest industry is an important provider of local employment and provides sustainably sourced timber for the Tasmanian community and national and international markets.

The co-regulatory approach to the oversight of forest practices has proved to be both resilient and adaptive to change. The Tasmanian forest industry has been through significant upheavals over the past decade, but the forest practices system has continued to operate efficiently and effectively. In doing so, it ensures our obligations under the Regional Forest Agreement to manage our production forests according to the principles of ecologically sustainable forest management are met.

This bill fulfils a key objective of the Government in supporting the forest industry. It ensures that the forest industry of the future will continue to operate in a modern and efficient regulatory framework that reflects contemporary standards.

Mr President, I commend this bill to the Council.

Debate adjourned.

SUSPENSION OF SITTING

[3.16 p.m.]

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

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

This is for the purpose of a briefing.

Sitting suspended from 3.16 p.m. to 4.16 p.m.

FOREST PRACTICES AMENDMENT BILL 2018 (No. 61)

Second Reading

Resumed from above.

[4.16 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I have finished my contribution.

[4.16 p.m.]

Mr ARMSTRONG (Huon) - Mr President, there is no doubt the forest industry is growing again in Tasmania. The last figures I saw suggested some 5700 Tasmanians are employed directly or indirectly in the industry. Importantly, plantation forestry has blossomed and the industry is heading more towards diversification and value-adding. Tasmania, especially in its rural communities, is better off with a solid forest industry.

Last Friday night the member for McIntyre, the member for Launceston and I attended an awards dinner in Launceston with - was it over 300?

Ms Rattray - Three hundred and forty, honourable member.

Mr ARMSTRONG - Three hundred and forty people attended that dinner showcasing the industry and it was members of the industry from as far as north-west of Smithton, the east coast and even my patch down in the Huon. It does show that the industry is back on its feet and growing again. It was a great night. It was a really enjoyable night and there was a real air of optimism within the room.

To the bill, it is noted that the amendments to the act are required to ensure the operational efficiency and effectiveness of the forest practices system in Tasmania. These amendments, among other things, will clarify responsibility for reporting on operation under a certified practices plan and provide for a much more open process in dealing with issues via the establishment of the Forest Practices Advisory Council, which includes the formal appointment of two relevant officers with expertise in forest policy and nature conservation. It will also include forest practices officers. As we have already heard in briefings this morning, it may develop a code of conduct for forest practices officers, which I note will be required to be tabled in parliament.

The bill has been widely consulted and supported by key stakeholders. We need to be seeking world's best practice in our forest management and this legislation will take us to the next level.

I will be supporting the bill.

[4.18 p.m.]

Ms RATTRAY (McIntyre) - I am pleased to be able to make a contribution to this bill today because I have been waiting since 2016 for this to come along. I also acknowledge the level of patience by Dr Peter Volker, Ben Waining and Alastair Morton, who have been in and out of this Chamber for more times than they probably care to count waiting for this bill to come forward.

Ms Forrest - Thinking it was going to be brought on.

Ms RATTRAY - Yes, a number of times. We did have that briefing a considerable time ago and it was appreciated to be able to go back and refresh our memory this afternoon and have that briefing again.

I say that I have been waiting since 2016 because I had cause in 2016 to contact the director, Dr Volker, in regard to an issue in my patch. Some of my constituents had been away; when they came home they went to turn on their water pump, which was further away from their house, and realised some forest works had been undertaken on their patch. Consequently, a number of email exchanges and letters - even the board looked at this particular issue - were exchanged, trying to

resolve compensation for my constituents who had this issue imposed upon them through no fault of their own. They knew clearly where their boundary was, but obviously the next-door neighbour did not.

We heard in this afternoon's briefing that some self-reporting occurs through the forest practices process. A contractor may do something wrong and say, 'I put my hand up, I think I have overstepped my boundary here' and they go through the process. Certainly at times that does not happen and landowners are the ones who have to follow this process. This was the only process they had open to them. Yes, the Forest Practices Authority could apply a penalty. In the case I talked about - Mutual Road, Derby - there was a $3000 fine, but my people - who were the complainants - did not get any of that $3000. That penalty was paid to the authority because that was the process previously.

Now we will have a new process where there will be an opportunity for compensation to be paid to anyone with a legitimate claim. This is my understanding - a legitimate claim where something has been undertaken that may be illegal works on their property. The affected party may be able to receive some compensation because in this case, for example, letting the regrowth come back up on their property was not going to satisfy them. They had a significant timber resource cleared against their will on their property and we cannot have that.

People have to have confidence in a process. I am pleased to see this amendment bill, which will amend the 1985 act. It has taken a long time for this opportunity to address the matter of compensation. I could say in jest that this could well be a Rattray amendment, but I know not all the issues brought forward in the Forest Practices Amendment Bill relate to the issues I raised.

Interestingly, when I was touching base in my new electorate, I had cause to call in to the Mole Creek Hotel, which anyone would do when they are in Mole Creek. Terrific little pub and if you go to the Day at the Creek around January, take it up because it is a terrific day out.

The girl working behind the bar had exactly the same issue of illegal forest works on her property in the Cradle Mountain area. I was really quite surprised and told her it was not the first time I had heard of this problem. Being the newly allocated representative for that area, I again had an opportunity to contact the director of the Forest Practices Authority, who told me this bill was coming and we would see it in the near future. Again, I am pleased we are able to address this legislation today.

I certainly will be supporting the bill because it will make a big difference. I know this legislation will not be retrospective. I am not sure how that works for people who are in the process.

I know one of my constituents is in the middle of a court process so I expect they will be dealing with their matter, but it is not always entirely achievable for everybody to go through a court process. We know how expensive and time-consuming court cases are. If we are able to reduce court processes through this bill, many people around Tasmania hopefully will not have to go through what two of my constituents have had to go through. They will have peace of mind that we have the appropriate measures in place to deal with that particular issue. If I need to, I will talk more about that in the Committee stage, but I wanted to place it on the record.

I have myriad paperwork here gained through my dealings with people who have unfortunately had their forest resource removed from their property without consent. I will not bore members

with that today, but it is a real issue and I believe - I certainly hope - the amendments compensation in this bill will address that or go some way to addressing that and circumventing court processes.

In regard to a couple of other areas we will be amending in this bill, I acknowledge the additional three members to the Forest Practices Advisory Council. We had quite a lengthy discussion about that. It appears that the minister responsible for the Forest Practices Tribunal and the Forest Practices Advisory Council is looking for an open and transparent process and I support that.

I wonder whether a board of 12 is not a bit unwieldy, although we heard that two of those people were already observers for the Forest Practices Advisory Council and that now they will be able to have input. I expect that they will already be used to having quite a lot of people around the table.

More recently, it has been this Government's practice to reduce the number of members sitting on boards and committees. I am somewhat surprised we are expanding one when it appeared in the past that we were reducing them and going down the area of expertise. I will be interested to hear what other members think about that.

In regard to the authority of the Chief Forest Practices Officer to direct all forest practices officers in the performance and exercise of their delegated functions and powers under the act, does that not already happen? I would have thought a policy would clearly outline what any forest practices officer needs to do in this process. I was assured that this just makes it absolutely clear and there is no cause for them to say, 'Well, we didn't understand', so I am pretty happy with that.

We learned that around 600 forest practices plans were submitted over the course of one year, so that is significant. Member for Huon, I believe we were told on Friday night that 70 per cent of the forest operations in Tasmania at the moment are on private land. I am pretty sure it was 70 per cent.

There is a lot of activity on privately owned land and we know that Sustainable Timber Tasmania would have its head around absolutely every aspect of submitting a forest practices plan when it comes to private operators. The member for Murchison might talk about her father and what happened on his land.

Ms Forrest - Not on the record.

Ms RATTRAY - I thought the member might say how he actually harvested some private forest because it appears a significant number of private landowners are harvesting at this time.

We need to be really sure everyone who undertakes a forest practices plan and the officers who carry out those works know exactly what they are doing. We need to focus on this.

We heard there are about 150 authorised forest practices officers, a significant number of whom have authorised credentials and a number of whom have delegated authority to certify plans.

It is certainly a big industry and we need to ensure everyone has a clear understanding of what is expected there.

Another area is in regard to the fact sheet, where the third last dot point says clarifies that the Chief Forest Practices Officer - CFPO - Dr Peter Volker, and a forest practices officer can direct a

person who has contravened the act or has not complied with the forest practices plan will make good damage that person's act has caused to land, including rehabilitation and revegetation.

Is this done through negotiation with the landowner? In the example I gave, the people near Derby had land cleared without their consent and letting regrowth come back was never going to satisfy them. Does that happen by negotiation?

Another property owner who has had damage or harvesting to their land might be quite happy to take *x* amount of dollars and plant small trees. Is this to be by negotiation or does it depend on what the forest practices officer decides is appropriate? I would like that on the record so people can understand what their rights are when it comes to rehabilitation and revegetation.

I am happy we have an amendment in regard to the unpaid fees by the Forest Practices Authority. It appears there has been a case in the past where the authority has not had the power to seek those unpaid fees or any fees not paid in full. It is important if everyone has to pay a fee to have a forest practices plan submitted, then it is fair to have a recourse for the authority to seek those funds owing.

I am more than happy with this legislation. I thank the three advisers and the Forest Practices Authority Director, Dr Volker, for their patience throughout this process. I particularly thank Dr Volker for his commitment. In or around early 2017, after a lot of discussion about the Derby situation, he said, 'We are doing an amendment to the act and I absolutely give a commitment that this matter will be addressed'. I am very grateful and I thank him. I do not think he had been in the job very long when he received his first email from me, but he continues to reply.

I am very pleased to support the bill.

[4.35 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I reiterate the words of the member for McIntyre to our support staff in the corner there. The three advisers were exemplary in their attendance to this matter, be it coming or going, so I thank them very much for being so patient.

When I was reading the *Hansard*, it seemed ironic that some of the first things that popped out at me were the words of the member for Braddon in the other place, Dr Broad, when he said we have a forest practices system we should be proud of. I wanted to make note of that because that is true.

Indeed we in the Liberal Party are proud that over the last five years we have helped regrow and rebuild this industry. The leadership of the current Government has delivered a very comprehensive, best-practice forest management plan for Tasmania. Tasmania's forestry industry is alive and well. It is growing, expanding jobs and is harvesting, regrowing and replanting. We need to do more to help improve and expand the forest industry within a modern and efficient regulatory framework, and that is what this bill is all about.

We need to make our industry the most sustainable carbon capture industry in this state and we need to make it world's best practice. This bill is to improve governance and administrative effectiveness and to provide further clarification on the intent of the act.

Over the last 100 years in Tasmania we have shown the world the way to regenerate our native forests and our plantations. We have advanced scientific research in forest production from our foresters at Ridgley, which is in my patch, down to the Huon and all over the state. Plantation forestry has blossomed in the last five years under our Government and we need a very clear operational framework for the Forest Practices Authority Board and the forest practices officers. This bill provides a vehicle to help with that. It will provide a consistent approach for the authority.

Anybody involved with a forest practices plan knows that ensuring consistency from a forest practices officer is essential.

The bill provides for many things and I will list its intent in a simple way.

First, it is to enable the recovery of unpaid fees by the Forest Practices Authority, where the fee for an application for a forest practices plan has not been paid or not been paid in full.

Second, it will remove the current requirement for nomination of appointments to the Forest Practices Tribunal to be made by specific bodies and provides the minister with the authority to nominate persons who possess the required expertise.

Third, it provides for three additional members to the Forest Practices Advisory Council: one to be a nominated representative from the Department of State Growth with knowledge and expertise in the administration of forest policy; one from DPIPWE, with knowledge and expertise in the administration of natural and cultural heritage-related issues; and one to be a forest practices officer who is not the Chief Forest Practices Officer.

Fourth, the bill also provides for the development and issuance of a code of conduct by the board of directors of the authority and that a person authorised to be a forest practices officer must comply with the code.

Fifth, it clarifies the Chief Forest Practices Officer and forest practices officers can direct a person who has contravened the act or not complied with the forest practices plan to make good any damage that the person's actions have caused to land, including rehabilitation and revegetation.

Sixth, it provides the Chief Forest Practices Officer with the authority to directly recover costs incurred in undertaking repair works or by engaging a suitably qualified person from the person responsible for noncompliance with the forest practices plan for a breach of the act.

Seventh, it provides a consistent approach regarding the authority of the Chief Forest Practices Officer to direct all forest practices officers in the performance and exercise of their delegated functions and powers under the act. Directions must be reasonable, stating a time frame for compliance and must relate to the forest practices officers' delegated functions and powers.

Eighth, it provides powers to the authority to direct moneys received from fines or fines for activities that contravene the act directly to an agreed third party where works are required to make good loss or damage as a result of that noncompliance. That was the particular point that the member for McIntyre was talking about.

It provides for the assignation of the responsibility for the forest practices plan from the original applicant to another person. This new provision has also been applied in all relevant sections throughout the act.

Finally, it provides for minor drafting amendments and updated references as required.

The forest industry offers Tasmanians jobs and opportunities and the strengthening of our regional communities. In the forest industry, jobs are created by companies like Forico, Pentarch, Ta Ann, Britton Timbers, McKay Timber, the Kelly Gang, CLGP and Neville Smith Forest Products. These and others are all important players in this space. These businesses are putting food on the tables of thousands of Tasmanian families in regional communities.

Tasmania and Tasmanians need the forest practices system to work effectively and with consistency and, most importantly, to stay sustainable and relevant into the future. Mr President, this bill will provide for the updating of the forest practices system in Tasmania, making operations and the regulations of those operations more efficient, effective and consistent.

[4.41 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I will not speak for a long time, but I want some things clarified so we have a common understanding. It is good to be in this place talking about a forestry bill where we are working together to make it a stronger bill and to ask specific questions about it. Before the Leader came to this place six to seven years ago, there was not a pleasant climate here. Much work had gone on and there was a lot of angst in the community from all sides. I am not picking a side here. Every day in the paper - on the front and every page in every paper - there was something related to forests, something to do with what was going wrong and what was going right. It was just before the financial crisis, so there were many other things happening.

It is nice to have moved on five or six years and to be in a place where we are looking at a bill - and I have to say it is a little bill compared to some of the others we dealt with some years ago - and be able to ask specific questions about specific clauses, to ask, 'Why have you got that there?' or 'Could you explain more?' without having an argument and a debate.

While I am sure that the Government like to say, yes, we have been doing this for the last five years, we have to recognise the work and the battlelines drawn three or four years before that to be able to get us to this place. Now the industry is growing sustainably and that is a very good thing.

I am quite comfortable when legislation comes to us dealing with fees, tribunals, board representation and councils, and what they are doing. I am comfortable with that because I know it is to grow the industry even more. It is listening to the industry because we have gone beyond that tipping point where it was just an all-out war. I think that is positive.

There is a question about the code of conduct and it would be valuable to get a response on that. We are all very pleased, those of us here and in the community, to hear from the members who went to the dinner last week - with 340 participants - that the industry is growing in a sustainable way.

People are now more aware of the relationship needed between those who grow, those who manufacture, those who take and the environmental groups that have some concerns.

I think this is a very good bill and I will support it. I am waiting for some more information from the Office of Parliamentary Counsel about some of the bill's wording, but well done.

I will support the bill.

[4.44 p.m.]

Ms FORREST (Murchison) - Mr President, in speaking about this bill, I will not go over the territory other members have covered so much, but I note the Leader and member for Montgomery's contribution when she mentioned what Dr Broad had said in the other place about Tasmania having some of the best forest practices in the world.

It is true, and it is important we recognise that. It does not mean we should be complacent, and the Government is not being complacent, but, as the member for McIntyre said, some of the provisions in this bill have been a long time coming.

I talked to other key stakeholders about this this bill and I would like to raise a few points for the Deputy Leader to respond to in terms of some comments made by other key stakeholders.

With regard to the responsible persons, overall this change is quite sensible. The forest practice plans should be like an approval to construct a building. The right goes to the title owner if it is sold, or if the owner dies, which is one way you could look at it.

Should there be clear criteria for transferring the responsibilities, if they are transferred? Could there be situations where transferring them would not be appropriate? Maybe there are some examples of where it might be acceptable or not acceptable to transfer those responsibilities.

The Forest Practices Tribunal is a positive change. It will be an independent tribunal and it is right to make it experience- and skills-based. That is where we should be heading with those sorts of situations.

The changes to the Forest Practices Advisory Council add three new positions - a forest policy officer, a nature conservation officer and a forest practices officer. I think it is quite reasonable to expect that this will benefit and add value to the council. These skills are important to have at this level, and there is certainly some benefit to having the forest policy background around the table when decisions are being made.

I note it is beneficial to have the forest policy position open to State Service officers because some of them have such relevant and current experience in that area. In one, it was suggested to me that nature conservation forest practices officer positions should possibly be filled by people who are not currently state servants, and from outside the state potentially, to avoid some of the conflicts.

In the second reading speech, the Deputy Leader commented -

> A forest practices officer can be an employee of the authority or employed by an external employer involved in the industry. The co-regulatory structure of the forest practices system makes it particularly important that high standards for forest practices officers are maintained and seen by the broader community to be maintained.

That is part of the bill's purpose: to make sure it is seen to have that transparency, that high standard. Potentially, because of the nature of the skill set and requirements around these appointments, conflict of interest is an issue that may need to be addressed.

The member for Mersey commented about the code of conduct. Codes of conduct are needed in these various roles, particularly for those undertaking forestry operations, to ensure accountability and also so that any conflicts are identified when approvals are being made, because these processes need to be transparently managed.

I raised a question in the briefing about the code of conduct. As I read the second reading speech and the bill itself, a key factor was maintaining that standard and ensuring that forest practices officers had clear directions about how they were to conduct themselves. A code of conduct would be an essential part of that. If that is to be the case, a code of conduct is required.

I know the Deputy Leader will have some further information from the briefing in regard to this. However, I understand from further discussion during the briefing - and I would like the Deputy Leader to clarify this - that the board actually requested the power to make a code of conduct should it be needed, rather than being requested to make one regardless. I would like that clarified.

I understand through the process and the negotiations - and, of course, negotiation would occur with the industry while the code was being developed - that the industry was concerned this code would be a disallowable instrument. I think it is almost unprecedented that we have a code here. At other times we have discussed codes of practice not being regulatory instruments - not having any legal weight, if you like - and here we are putting in a code that has to be approved by parliament to be adopted. Without the approval of parliament, it cannot be adopted; the minister cannot lay it on the Table, or they can lay it on the Table but the board cannot issue the code of conduct unless the parliament has approved it. It gives this code a whole new status.

I understand the reason for that. I understand some in the forest industry fear a code may be so limiting that it may be unworkable from their point of view. If they feel they have not had their voices heard around the table of the board, and the board puts out a code of conduct they think may be unworkable or manifestly unfair, or whatever, they may have the recourse to parliament, mainly through this House - let's face it - to have that code disallowed. It is a significant step, such is the weight of a code if it is made.

My reading of this is that because such importance is placed on the code, it should be required because we would like to think that forest practices officers have clear direction about how they are to go about their business, how they are to operate and conduct themselves as a code of conduct would require. However, I understand the board has asked for the power to prepare a code of conduct or put in place a code of conduct if and when it believes it is necessary. The agreement with the industry was that if it does that, it would need that assurance of a parliamentary process if it believes the code had some overreach.

Anyway, we will get a chance to look at it if it is made. I expect it should be made. I think it will give clear guidance when there is clear potential for conflicts of interest. In terms of openness and transparency, conflict of interest is one things that is least understood and most poorly executed at times. This is an industry which has seen much unrest at times and there have parties warring around our forest practices. I think most of us here agree we have very high forest practice standards, but some people do not agree. Some people might agree this is a much improved step forward, but there are those who watch and see problems wherever they turn.

It is important we have an open and transparent process like this. If there are any real, or even perceived, conflicts of interest, there will be a process to identify and deal with them. That would be part of the code of conduct, as well as a whole range of other matters.

Clearly, I do not expect we will see a code of conduct the first day after this bill is enacted. There is a whole process to go through to develop it. The board is required to consult with the Forest Practices Advisory Council and forest practices officers. However, once the code is made, it will come to parliament. I understand the board also requested the power to revoke a code of conduct if it became no longer necessary, or it was inappropriate for whatever reason. In that case I imagine they would go back to the start and look at whether a code is needed or whether it needs to change. There is a process to rewrite a code of conduct if that is necessary. That is important because circumstances and standards change, so you need that power to change those requirements.

Another question posed by a stakeholder was with regard to the application of the forest practices officers' work and how they go about their business. Who actually judges whether a forest practices officer is applying the code? Assuming the code of conduct has been put in place, whose job is it to monitor the application of the code? Does a forest practices officer have recourse if they feel they have been unfairly targeted in some way, and how do they do that?

Regarding amendments to facilitating environmental repair following unauthorised forest operations: this is an important requirement of this legislation, but it is hard to stand a tree back up once it has been cut down. The harm can be done overnight. We see houses knocked down in the Hobart city overnight that were not supposed to be -

Ms Rattray - And fences in Launceston.

Ms FORREST - Yes, fences in Launceston, and we see trees in rural communities cut down and cleared without proper authority and, clearly, without a forest practices plan. Once the damage is done, the damage is done. Could I have some clarification regarding the last two changes? That is the proposed power to direct a responsible person to repair damage through revegetation, and the related change to allow funds to be allocated to pay the person who did the revegetation. Some real-worded examples of how that has or would apply would be helpful.

The proposed changes relate to where unauthorised forest clearing or logging occurs and intervention is required to repair the site, especially where there may be ongoing and accelerating damage. Obviously, when you cut down a whole heap of trees, erosion is a major issue. These things need to be acted on fairly promptly if the whole side of a hill is about to fall down into the creek.

They are the major points raised but, overall, the bill has been met with fairly broad support. My consultations did not raise any major concerns other than those I have mentioned; they are more about seeking clarification about how that would operate rather than major concerns.

Some in our community believe more needs to be done. We always have to keep our eye on current practices and how we can improve things; overall, we have a very well managed forestry industry, but we cannot be complacent.

[4.58 p.m.]

Mr VALENTINE (Hobart) - Mr President, in the second reading speech, a couple of things stood out and they were why I asked for the briefing. I was concerned that the second reading speech talks about the Forest Practices Tribunal as an independent body established under the act, but then it goes on to say -

> In order to maintain the independence of the tribunal, the current requirement that nominations are sought from specific industry bodies for the positions on the tribunal of persons with expertise in agriculture and forestry will be replaced with an open process calling for expressions of interest from persons with relevant expertise.

This is concerning because section 34 of the principal act says the tribunal should be appointed by the Governor and shall consist of 'such number of Australian lawyers'. It then goes through to 'such number of persons as the Governor considers necessary who possess a sound and practical knowledge of forestry' et cetera right down to section 34(2)(e).

However, section 34(2A) says -

> (2A) A person is not qualified to be appointed as a member of the Tribunal under subsection (2)(d) or (e) unless -
>
> (a) in the case of subsection (2)(d) - that person has been jointly nominated for membership by the Tasmanian Farmers and Graziers Association and Private Forests Tasmania …

I understand that is to have them confined to these particular organisations, which means it is not really as open and transparent as it could be because it is not through an expression of interest process available to the rest of the community.

If you look at section 34(2), it actually talks about such number of persons as the Governor considers necessary, so it is not confined to one. Why is it dealt with under the present act when (2A) stipulates only a person as being nominated for membership by the Tasmanian Farmers and Graziers Association, when it is talking about more than one? There may be an explanation for this as it is now. I am not talking about what they are trying to get to.

Throwing it open means those organisations will not specifically have a member or may not have a member. They may in the long run if that is the way they are chosen. I understand that it will add more transparency, but it comes back to the minister, who then chooses who shall go onto the tribunal.

I am pretty sure it was explained to me, but just for the record, even though it says in the present act that it is the Governor who shall choose, it is the minister who actually provides the Governor with that information about who should be considered. It is not through some process where the organisations go directly to the Governor; it goes through the minister's office.

Can it be clarified how the process currently operates? It is not a huge worry if it happens that way at the moment. It is not really changing that much, except individuals will not be representing specific organisations. They will be appointed because they have certain expertise; along with the rest of the world, we are moving towards that model. Could the Leader clarify what the current process is and that it goes through the minister? If they recommend to the Governor that these people should be on the tribunal, that is fine. I appreciate that but I would like the record to show what actually happens now.

I am concerned that -

> The input from these experts is considered to be integral to the role of the Forest Practices Advisory Council and, as such, the proposed amendments will provide for the formal appointment of two relevant persons with expertise in forest policy and nature conservation to the council, in addition to the current level of broad stakeholder representation.

It was clearly explained to me during briefings that the Forest Practices Advisory Council is not the government; it is a separate body. These changes seem to gather more power and influence for ministers. That is not necessarily a good thing in legislation. Yes, somebody has to be accountable, but when dealing with public assets or processes it is always important to ensure the political side of it is kept at arm's length. Having had it explained to me during the briefings that this is the way it operates, I am satisfied and happy to support the changes put forward.

I was concerned that the second reading of the bill says -

> The bill also provides for the Chief Forest Practices Officer to be able to direct a forest practices officer in the manner the forest practices officers are to undertake their required roles.

It was pointed out to me that forest practices officers are not necessarily government employees. They are employees of other companies, which clarified for me that there was not a governance issue.

I touch on these matters because it is important we get this legislation right. I heard the comments of the member for Mersey - there was a time in this Chamber where you could not get away from forestry. It was continually a problem and issue, and it took a long time to deal with it. Without going too much into it, the TFA was a good process and we got that through, but it was chosen to be demounted, which is politics.

Much was learned during that period about the Tasmanian forest industry. It is good to see more plantation forestry and downstream processing. Before, chipping and sending more of it offshore than downstream processing was obviously a backward step.

We have to keep our eyes on this and ensure the industry is sustainable.

The community would be happy to see an instrument like the code of conduct in this legislation. Like the member for Murchison, my concern is that the code is in this legislation, which describes what should be in the code of conduct, and yet the code is only an option - it has to go through parliament as a disallowable instrument. I look forward to having that clarified.

In general terms, I support the bill.

[5.08 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I thank all honourable members for their contributions to today's debate.

The member for McIntyre, in relation to compensation: in negotiation on that, the authority currently has the power to offer a prescribed fine equal to twice the amount to make good damage done. The authority would seek advice from an affected party on what the cost may be and this will be taken into account when determining the fine. In short, it is a negotiated outcome.

The member for Mersey, in relation to section 40A, Code of conduct for forest practices officers, members of the Forest Practices Authority Board agreed when meeting in 2016 that they need a head of power to create a code of conduct. The bill provides for that. The board is an independent statutory authority, hence it is not appropriate to constrain its decision-making and independence. The power is required to revoke the code as per normal legislation process. It must be able to revoke an old code prior to issuing a new or updated code.

The member for Hobart asked for an example. I have a recent example in the Huon where a landowner illegally cleared trees and threatened native vegetation. The authority offered a prescribed fine of $10 000. The owner negotiated with the authority and the Huon Valley Council to rehabilitate the land. These rehabilitation works are in progress, and a forest practices plan will be drawn up to ensure further monitoring and success of the revegetation. This is a better outcome for the environment and it comes at a considerable cost to the owners.

Mr Valentine - I think that might have been another member, but that is okay.

Mrs Hiscutt - Mr President, I have another answer to give to the Deputy Leader for the member for Hobart.

Ms HOWLETT - Thank you, Leader. The Forest Practices Tribunal is an independent body established under section 34 of the Forest Practices Act 1985. The tribunal's role is to conduct hearings and make determinations in respect of appeals lodged by aggrieved parties. Appeals may be lodged against decisions of the Forest Practices Authority with respect to the following matters -

- an applicant for a private timber reserve may appeal against the refusal of the private timber reserve;
- a prescribed person may appeal against the granting of a private timber reserve;
- an applicant for a forest practices plan may appeal against the refusal, amendment or variation of a plan;
- a person who is served a notice under section 41 of the act may appeal against the notice; and
- a person who has lodged a three-year plan may appeal against a variation or refusal of the three-year plan.

Members of the tribunal are appointed by the Governor in accordance with section 34(2) of the Forest Practices Act 1985. The appointment by the Governor remains in the act. The responsible minister nominates nominees.

Why are we making changes to the nomination process for membership of the Forest Practices Tribunal? The changes require the minister to call for expressions of interest in two newspapers published and circulated generally in the state, for persons who seek to be appointed as members of the tribunal. People who make a submission and meet the existing criteria can then be nominated for membership of the tribunal by the minister. This approach improves transparency with regard to who is nominated for membership, by removing the practice of members of these two categories being nominated by prescribed bodies, which may be perceived as having vested interests in the appointment process.

The act currently requires the two respective members to -

- possess a sound knowledge of, and have at least five years practical experience in, agriculture and forestry, and

- possess a sound knowledge of, and have at least five years practical experience in, conservation science.

The two respective members are required to have at least five years of practical experience - note not all necessarily academic. This experience must be in both agriculture and forestry rather than in one area only because the tribunal deals with matters in both forestry and agriculture, such as clearance and conservation.

It is required that advertisements occur in two newspapers. We have been through this before. I note this is standard drafting terminology and represents a minimum requirement only. The minister is able to advertise in additional newspapers or by other means, if chosen.

Bill read the second time.

FOREST PRACTICES AMENDMENT BILL 2018 (No. 61)

In Committee

Clauses 1 to 7 agreed to.

Clause 8 -
Section 18 amended (Application for certification of forest practices plan)

Ms RATTRAY - Clause 8 deals with the authority being able to recover any moneys owed. First, how much is a forest practices plan? Is there a standard fee or does that come with the level of works?

Also, it talks about the authority being able to recover any debt that is outstanding and that it may be recovered by the authority in a court or competent jurisdiction. How much effort would the FPA go to before it went to a court process?

If somebody does not pay at the time and they owe moneys, I expect you would not go straight to the court process. Would you go through a debt collection agency before you head to the court or is it once it is 120 days owing, for example?

Ms HOWLETT - In relation to the member for McIntyre's questions about unpaid fees, the Forest Practices Authority requires the authority to address situations when an application for certification of a forest practices plan has been submitted without the application fee being fully paid. This amendment will allow the recovery of costs for those services and advice provided in relation to the assessment of certification.

In relation to your specific question about fee schedules and debt collections: fee schedules set by the regulations vary with the type of operation and area. They range from $500 to about $4000 usually but have been much higher in rare cases.

Usually the plan is not certified until the fee is actually paid. We usually issue a notice to pay but have no power to demand payment. Sometimes it is not worth pursuing it in court.

Ms RATTRAY - Thank you, I could probably go to the website and find that out. I just thought it would be interesting to know the level of costs.

In regard to the certification of the forest practices plan and then the moneys owing, what if the person who gets a forest practices plan but then does not go ahead? They still have to pay for the plan so they are just out of pocket if they do not proceed with the harvesting. Is that pretty much what happens?

Ms HOWLETT - Yes, if they do not proceed with the plan, that is quite right.

Ms Rattray - They are still liable for the costs of the plan.

Ms HOWLETT - That is right.

Ms Rattray - So it pays to make sure you are going to use the plan.

Ms HOWLETT - That is right, the fee for the application.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 -
Sections 21 amended (Contravention, &c., of certified forest practices plan)

Ms RATTRAY - Just some clarification in regard to clause 10 because this is where we are amending by omitting 'owner of land' and substituting 'person who is an owner of the land or who is a person to whom the owner's responsibilities under section 17 have been assigned under section 17(2)'. To really flesh that out, are we talking about a contractor who may decide to undertake the works?

I am looking to make sure we have a clear understanding of who is ultimately responsible if things do not go well because this is contravention of a certified forest practices plan. It is serious stuff if somebody does something wrong. I am looking for the ultimate person who is responsible.

Ms HOWLETT - It is usually the applicant but sometimes the owner of the land has a co-responsibility.

Ms RATTRAY - I want to be really clear - the person who is the owner does not necessarily apply for a forest practices plan because they can have an owner's representative but ultimately it is the owner of the land who is responsible?

Ms Howlett - No.

Ms RATTRAY - It is the person named on the forest practices plan?

Ms Howlett - Yes, that is correct.

Ms RATTRAY - So that is who is ultimately responsible if things go pear-shaped.

Madam CHAIR - Does the Deputy Leader want to clarify that on the record?

Ms HOWLETT - The owner may give their responsibility to a forest management company which would usually be the applicant.

Ms Rattray - Like AKS Forest Solutions.

Ms HOWLETT - Yes.

Clause 10 agreed to.

Clauses 11 to 15 agreed to.

Clause 16 -
Section 25B amended (Forest practices plan progress reports)

Ms RATTRAY - Seeing I have not had much to do with this because I was not here in 1985, I am keen to have a good understanding of these amendments and how they work.

Clause 16 says 'Forest practices plan progress reports'. We are amending this by inserting ', within the meaning of section 25A,' after 'practices plan,'. Who makes a progress report and why would it be used? If it is a large coupe and they are doing only a section now and possibly a section later, why would there be a need for a progress report? I would have thought once the harvesting was finished, it would be checked by an officer to make sure everything has been complied with. How does the progress report part of this clause work?

Ms HOWLETT - In answer to your question, the applicant is responsible for progress reports.

Ms Rattray - Why would there be a need for a progress report? You have a plan and carry out the harvesting.

Madam CHAIR - You have a couple more calls if you want to ask further questions.

Ms RATTRAY - To clarify: if you had a small coupe, not a significant one - many of the private forests being harvested at the moment are probably not massive coupes; they are probably smaller lots - when would you need a progress report? If it is a small coupe, they go in and harvest; they are not going to come back three or four times. They will bring all the machinery and whatever in, will sign off on a couple of hectares and then come back and do another couple or whatever. I expect you would go in and do one job unless it is a really large coupe. That is what I am trying to understand.

Ms HOWLETT - Plans can go for a great period of time. Progress reports are only required for those extended plans at the discretion of the authority.

Clause 16 agreed to.

Clauses 17 and 18 agreed to.

Clause 19 -
Section 34 amended (Forest Practices Tribunal)

Mr DEAN - I raise this matter about the two newspapers which we discussed during the first briefing. It needs to be put in the *Hansard*; was it discussed before? Could you explain why it is only the two? I am trying to harken back to the briefing as to what was there.

Ms Howlett - I discussed it in the second reading.

Madam CHAIR - What is your question, member?

Mr DEAN - Why is it only the two newspapers when we have three newspapers circulating in this state? It is suggested it is done because one might fold. Two might fold as well.

Ms HOWLETT - My understanding is that it is standard legislation so two newspapers are needed. At the minimum requirement, two.

Mr Dean - A minimum requirement by whom?

Ms HOWLETT - It is required that advertisement occur in two newspapers. This is a standard drafting terminology and represents a minimum requirement only. The state is able to advertise in additional newspapers or by other means.

Clause 19 agreed to.

Clause 20 -
Section 37A amended (Forest Practices Advisory Council)

Ms RATTRAY - Clause 20 deals with the expansion of the Forest Practices Advisory Council, which now has 12 members. I always thought that was an unwieldy number. I understand why two of the members are there: because they were observers in the past. It is to formalise the observing and so they joined the council. When we have a policy of reducing the number of members on boards and advisory councils, why was rationalising the board not looked at? I am interested in the Government's response and some information on the public record in regard to the increase to 12.

Ms HOWLETT - The amendments formalise a beneficial arrangement in place informally for some time. The expertise provided in the additional members is considered necessary for Forest Practices Council deliberations and their decision-making process.

Since 2007, the council has invited senior representatives from the state government agencies responsible for forestry policy and the management and conservation of natural values in Tasmania to attend and participate at council meetings.

The amendment to the Forest Practices Act 1985 to provide for additional council membership formalises the beneficial arrangement and also provides flexibility to deal with changes in ministerial portfolios and departmental structures.

The addition of a forest practices officer who is not the CFPO to the council will provide valuable knowledge and a skill resource in relation to forest practices and allow for improvements

in the advice provided to the Forest Practices Authority. It will ensure there is input to the council from a practical application point of view. This is actually not a board or a committee. They provide technical advice to the FPA.

Ms RATTRAY - I want to make it very clear that I am certainly not making any judgment about the expertise and the value of those three positions. I feel sure that they do provide excellent advice to the council. It is the number 12 that just seems to me to be somewhat unwieldy. It is the Government's call. I will not be voting against it and I will be watching with interest how it functions, but apparently it is pretty good so far.

Mr GAFFNEY - It was my understanding that when the current Government went about decreasing the size of the boards there was a cost factor. There was some concern there was a cost factor. I am just interested in this board relationship because it is not a government board as such, it is a board set up with a job to do, so therefore it falls outside of a government board. Is there remuneration for the 12 people? It is good to put that on the record. If there is no remuneration the Government has not actually spent more money on having a board in place.

Ms HOWLETT - I have been advised that this is not a board; it is an advisory committee. There is a nominal sitting fee for some members and this sitting fee does not apply for any departmental representatives. I will seek advice on who -

Mr GAFFNEY - I am interested to know which people are on the advisory committee.

Ms HOWLETT - There are currently six who are paid a nominal sitting fee on the advisory committee; this amendment will take it to seven with the addition of the FPO.

As we said, it is a very nominal sitting fee, set with the standard Treasury rate, and FPAC only meets every three months or four times a year.

Ms ARMITAGE - I am interested to know what a very nominal fee is just so it can be on the record.

Ms HOWLETT - I apologise; I cannot answer that. We are not sure of the exact figure but it is very nominal.

Ms Armitage - I just wonder how we know when we do not know what it is.

Ms HOWLETT - It is published on the website, member for Launceston.

Madam CHAIR - Maybe the Deputy Leader could take this on notice if it is really important to the member and can get back to her.

Ms HOWLETT - Could I take that on notice for you, member for Launceston, and get back to you?

Ms ARMITAGE - That is fine. It is just that when it is mentioned as being a very nominal fee, I think anyone reading *Hansard* would be interested to know what the nominal fee was. That was my reason for asking the question.

Mr DEAN - I raised this matter in the briefing a while ago but it needs some mention in *Hansard*. I am talking about (fb) on page 13, about one of these three persons -

> … a person with knowledge and expertise in relation to natural heritage or cultural heritage who is nominated by the Secretary ...

It would be preferable to have somebody with knowledge in both those areas because when we are dealing with forestry cultural heritage is very much an area that Indigenous Australians are involved with and have a real interest in. I think that expertise in the cultural heritage would be critical and important for such a position. I accept the explanation was given as to why it is and ask so it is put into *Hansard*.

Ms HOWLETT - Obviously, it would be preferable for the person to have experience in both those areas, but that is not always the case. The person could have either natural or cultural heritage experience. It is very rare to find someone with both but that would be preferable.

Mr DEAN - Does anyone we know will be on the advisory committee already have the cultural background? Are they an expert in that area? It is in this type of area that Indigenous people often raise the fact that they are not being given a fair go, are not being listened to and their matters are not being considered. We have an advisory board advising the board as to what actions ought to be taken. As was said during the briefing, a board that does not take any notice of its advisory committee would be very foolish, or words to that affect.

I ask this question because of the importance of cultural heritage in relation to any lands we work on.

Ms HOWLETT - The Forest Practices Advisory Council is a representative body of stakeholders. The functions of the council are prescribed in section 37C of the Forest Practices Act 1985 -

> (a) to advise the Authority on the review of this Act and the Forest Practices Code;
>
> (b) to advise the Authority on the quality, relevance and cost effectiveness of forest practices administration, operations and research;
>
> (c) to advise the Authority on financial matters including the self-funding of forest practices;
>
> (d) to promote discussion within government and the forestry industry, and by land owners and land users, of forest practices issues.

The Forest Practices Code is a statutory instrument issued by the Forest Practices Authority which applies to all forest practices on public and private forests. The act requires that the code prescribes the manner in which forest practices are to be conducted, so as to provide reasonable protection for the environment.

All forest practices other than circumstances provided for in legislation require a forest practices plan. Forest practices plans must be prepared and implemented in accordance with the code. A forest practices plan must be certified by the Forest Practices Authority or a delegated

forest practices officer to be in compliance with the code. Once certified, a forest practices plan becomes a legal document and must be complied with.

The code provides a practical set of guidelines and standards for the protection of environmental values - in particular, soils, geomorphology, flora, fauna, genetic resources, cultural heritage and visual landscape.

Mr Dean - What was that first one again?

Ms HOWLETT - Soils. The code also covers threatened species protection and the management of matters of natural environmental significance - matters established under Commonwealth legislation. There is specialist input from both cultural and natural value specialists in regard to a variety of planning tools that sit under the code.

Mr DEAN - Thank you for that explanation, but you mentioned 'cultural specialists'. Does that mean that advisory committee would go out and get that further information and evidence if they wanted it? Is that what it means, that specialist support?

Ms HOWLETT - Yes.

Mr Dean - Thank you.

Clause 20 agreed to.

Clauses 21 to 25 agreed to.

Clause 26 -
Section 41 amended (Failure to comply with provisions of certified forest practices plan or Act)

Mr DEAN - I have two issues under clause 26. The first relates to where the properties have to be rehabilitated. Does that mean that rehabilitation will occur with the replanting, if that is what it requires, of the same species of trees? If trees or bush are removed, does it require replanting, revegetation or rehabilitation of similar species that were removed in the first place?

My next question relates to clause 26(b)(a) and if there is no certified forest plan in place. I have a question from a constituent. Subclause (b)(a) says if there is no certified forest practices plan in relation to the forest practices on the land, and in the reasonable opinion of the officer it is practicable and economically feasible to do so, should 'economically feasible' be removed? That term leaves a huge opportunity for exploitation by groups who have the opportunity to fundraise, to use this as an avoidance method, and who may use this as a political tool. The law should be applied equally or not at all.

I think their point is that it is a get-out-of-jail situation where it says, 'it is practicable and economically feasible to do so'. It is saying that should not be there and these properties should be rehabilitated whatever the situation. The word 'protesters' was mentioned to me - where we can get protesters setting up in an area where there are no forest practices plans in place, near where there is a plan in place, and a lot of the vegetation is destroyed, what would be the situation in relation to those circumstances?

Ms HOWLETT - Persons responsible for activities in contravention of the Forest Practices Act 1985 or of a forest practices plan can be required to repair or make good the land damage as a result of their contravention. Further requests can be made for that person to see to it that the land damage is revegetated and/or rehabilitated. These restorative actions address the damage caused by noncompliant activity, as well as improving environmental outcomes - so, yes, they are required to revegetate with similar native species.

Mr Dean - What about the other question in relation to 'practicable and economically feasible'?

Ms HOWLETT - If it is not economically feasible, the authority will determine the appropriate level of fine to apply to the contravention.

Ms RATTRAY - I share concerns around the words 'economically feasible to do so'. Why were those words chosen? We are talking about compensation for landowners who are perfectly innocent and have had land or trees possibly devastated. The 'practicable' I understand because you cannot replace a very large tree with a small tree. It is going to take a long time to grow. That is the way it is. You cannot put one back in the ground, not that I have ever seen, anyway. But I am struggling with the 'economically feasible' part. I want to understand where that is coming from. The adjoining landowner, the person who is in charge of undertaking the works, can say, 'I cannot afford to rehabilitate this, but here is $3000 and I will put a few seedlings in for you'. I am looking at that economically. The practicable part I understand. You cannot replace a big tree with a small one straightaway.

Ms HOWLETT - The words already exist in the act and this is about building on those. This is about the powers to make persons do things. If the person refuses to comply, they would go to the board for a decision and would most likely end up being issued with a fine, as mentioned earlier.

Mr DEAN - What you have said is that if it is not reasonably practicable and feasible to rehabilitate the land where there is no forest practices plan in place and there has been an issue, there is the ability to set a suitable fine. How much authority does the forest practices officer have in those instances? In other words they say, for instance, 'You will replant this property but because it is going to take 30 years to mature, or whatever it is, you will also be fined, and a suitable fine in the circumstances is *x* dollars to compensate for the loss of those trees and the timber to the owner of that land'. Does the forest practices officer have the authority to make those decisions or is it one or the other?

Ms HOWLETT - No, the FPO can issue a notice to make good the damage done. These amendments are about giving the FPO more options in particular circumstances. This amendment allows the FPO to make a remediation request in a notice. If the notice is not complied with, it goes to the board for determination.

Mr DEAN - The forest practices officer does not have the authority to say to the wrongdoer, 'You have to replant the forest and you will also make some compensation to the owner of the property'? If the person cannot do that, are you saying it goes back to the board? I am trying to follow you there. If that is the case, can the board then make the determination that yes, there will be some restoration and a fine will be imposed as well? Does the board have that authority, that right, to make that decision and that determination?

Ms HOWLETT - Yes, the board does have that authority.

Mr Dean - Thank you very much.

Ms RATTRAY - I appreciate we have been able to flesh this out a little bit more, Madam Chair, because this is a really important aspect, in my view. When the forest practices officer looks at the compensation and rehabilitation, is that when they negotiate with the landowners about what they are happy with or what they are prepared to accept? I asked this question earlier and I got that it was 'by negotiation'.

Are we clear that the landowner can have that input into this process? Hopefully, between the landowner - the person who has undertaken the works wrongly - and the FPO, we will get this negotiated outcome. It may not always be suitable for everyone but that is the process. I have that absolutely clear in my mind that is what will happen.

Ms Howlett - Yes.

Ms RATTRAY - Thank you.

Clause 26 agreed to.

Clauses 27 to 32 agreed to and bill taken through the remainder of the Committee stage.

ADJOURNMENT

[6.18 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 a.m. on Thursday 15 August.

I remind honourable members of the briefing requested on built heritage tourism, which is on tomorrow at 9 a.m., Committee Room 2, followed by briefings on other bills.

Department of State Growth - Complaints

[6.19 p.m.]

Ms FORREST (Murchison) - Mr President, I raise a complaint about the way some constituents of mine have been dealt with by the Department of State Growth. I do not do this normally but this has been going on for months. I am seriously concerned about the mental health and wellbeing of my constituents as a result of the way they are being stuffed around.

In August 2018, my constituents, who own a property leased to State Growth, were aware that the term of their lease was approaching in a year's time. Since then, they have gone through an exhaustive process and responded to an expression of interest. State Growth decided to go out for expression of interest to look at the suitability of other properties or whether to allow this property to continue, which is entirely appropriate - although sometimes you wonder why they would do that when they had an eminently suitable property, but maybe there are some issues with the property.

That is not the issue that was at odds here. This process started in August 2018 where the owner of the property, my constituent, was proactive in looking at what would happen with the ongoing leasing arrangements. Since then, they have done all the right things according the expression of interest being lodged. I have tried to follow this and assist my constituent to understand what is going on. There have been numerous communications between this couple and State Growth trying to determine what it was they needed to do and what the time frames were to meet the requirements of the expression of interest.

During that period the expression of interest changed. To my knowledge, there has been no opportunity to resubmit since that change. The conspiracy theorists would say it was changed to meet potentially another organisation that had put in an expression of interest. I cannot make any headway with trying to find out what is going on, except it was brought to my attention that another building in this same town was being refurbished on the inside with quite extensive works. My office made an inquiry with the relevant council to ask it whether significant work was going on in this property. You would expect that if it were being done to over a value of a certain level, it would require a building permit, particularly when you are demolishing walls and significantly refashioning the inside of a big building.

We were told by the general manager of that council that as far as they were aware, no work was going on inside the building, despite the fact that when you look in the window you can see it all going on. It was interesting and not far from council's offices. There were all these skip bins on site with stuff in them, but the council was not aware of any work going on and there had been no building permit application. This continues, with lots of toing and froing.

Under the terms of the lease, they require notification of whether it is to be extended or will cease within three months. This is, as I understand, the process in the lease. Three months and a notification has to be made. That three months has passed. My constituents have had no response in terms of whether the lease is going to continue or not.

I wrote to the then minister for infrastructure, Mr Rockliff. We had the standard - 'We received your letter, thanks, we will respond back to you'. Nothing happened beyond that. Then there was a change of portfolios, so my office sent all the same information to Mr Ferguson's office. We have since had a meeting arranged to view the property currently being leased at the end of this month. Part of that was because of my availability. Being down here, I could not meet sooner than that.

My constituents contact my office almost every day. They are stressed beyond belief. I am very concerned about them. They have tried to do the right thing and have sought responses from State Growth repeatedly. A meeting has now been arranged with State Growth with them. We are assured State Growth has not made a decision. This process started last year. There have been changes in the office, all that sort of stuff. I do not understand how someone does not take up a job someone may have moved from.

Anyway, then the icing on the cake - and the reason I decided I have had enough and need to raise this here - is that this week at a meeting in this particular town, a friend of my constituent was informed that a squeaky-clean building application had been approved for the other building we were told no building permit had been issued for.

I do not know what is going on. My constituents now see all sorts of conspiracies and I can absolutely understand why they do. All it takes is communication. I will be meeting onsite, hopefully, it is still to be confirmed, but I am committed later this month. My constituent is finding

it impossible to meet because of the state of his mental health and will probably send his wife or someone else, such is the point it has got to.

This is enough. When did we lose the ability to communicate? I am complaining bitterly about the way this situation has been dealt with by the Department of State Growth. I hope through raising it publicly like this it may be able to focus its attention and give some clear indication as to what is going on. These constituents were expecting to have a decision one way or the other when that three months ticked over. They were hoping for it earlier. I was hoping they might get notification earlier one way or the other. This is their livelihood. This is what they rely on to live. It is unacceptable.

Mrs Hiscutt - While the member is on her feet, is this the same situation in your questions without notice recently?

Ms FORREST - I have had a few, probably.

Mrs Hiscutt - I assure the member I will make sure the department gets a copy of this *Hansard*.

Ms FORREST - Yes. I would appreciate communication with the department at the earliest convenience so I can inform my constituents when they ring again tomorrow about what is going on.

Credit Cards - Vigilance

[6.27 p.m.]

Mr FINCH (Rosevears) - Mr President, I want to issue a warning to my colleagues and also to anybody who might be watching on live streaming. Last week after I had been here in parliament, my wife made her regular check on what I had been spending my money on through my credit card in Hobart, and she found two discrepancies on our account. They were both for $210.45 spent in Balmain in Sydney, so unauthorised. I had no knowledge of that. Somebody had accessed my credit card and made those deductions from my account.

The point is we immediately phoned NAB about our Visa card. Very efficient, straightaway the cards were cancelled and I will have new ones being issued to me.

Mr Willie - Is this part of your alibi?

Mr FINCH - I want to make sure because this is what I think people do not do - they do not check what is going on with their credit card. People start in a small way and then it extrapolates into bigger amounts.

Just a warning to make regular checks on what is happening with your credit cards.

The Council adjourned at 6.29 p.m.