



**PARLIAMENT OF TASMANIA**

**LEGISLATIVE COUNCIL**

**REPORT OF DEBATES**

**Tuesday 27 September 2022**

**REVISED EDITION**



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**Tuesday 27 September 2022**

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

## **WRIT FOR THE RETURN OF NEW MEMBER**

### **Member for Pembroke**

[11.01 a.m.]

The Clerk of the Council advised the Council that Luke Matthew Edmunds, returned upon a new writ for Pembroke, made and subscribed the affirmation of allegiance as required by law.

## **STATEMENT BY THE PRESIDENT**

### **Welcome - Member for Pembroke**

[11.01 a.m.]

**Mr PRESIDENT** - Members, before moving on to formal business I take this opportunity to welcome to this House and to the Parliament the newly elected member for Pembroke. I wish him well in representing the people of Pembroke and I know he will do a very good job during his duly elected term. I know I speak on behalf of all in the Chamber and all the Table staff and assistants in saying that if you need any help or guidance, most members will be very good at giving you advice on governance.

I am not going to specifically draw on the member for Elwick, but some advice will be good and take it all on board. I am sure your path through this first term will be a really enjoyable term. You are sitting next to the Chair of Committees who will guide you in the right procedures of the parliament. We have done fairly well with the member for Huon. He has now been moved down a chair. It is quite disconcerting to see all the movement in the Chamber.

I also welcome to the President's Reserve this morning Anna McKenzie, Roger Edmunds, Gwen Taylor, Ann Cameron, Marian McKenzie and Aileen O'Rourke who are your family and who are here to witness this very important occasion in your life. I know I can speak for all members of the Legislative Council and the Parliament more broadly in welcoming you on board and knowing that you will have a really enjoyable time in quite possibly the best Chamber of parliament in the world.

**Members** - Hear, hear.

## **TABLED PAPERS**

### **Joint Parliamentary Standing Committee on Subordinate Legislation Report - Inquiry into Nature Conservation (Wildlife) Regulations 2021**

[11.08 a.m.]

**Ms RATTRAY** (McIntyre)(by leave) - Mr President, I have the honour to present a report of the Joint Parliamentary Standing Committee on Subordinate Legislation in relation to an Inquiry into the Nature Conservation (Wildlife) Regulations 2021 (S.R. 2021, No. 93).

**Report received and printed.**

## **SPECIAL INTEREST MATTERS**

### **Oatlands Heritage and Bullock Festival 2022**

[11.11 a.m.]

**Ms HOWLETT** (Prosser) - Mr President, I, too, would like to welcome Luke Edmunds, member for Pembroke and his family to this Chamber. I wish you well in this place and know you will be a strong voice for the people of Pembroke and the eastern shore. Welcome.

On 14 August and 15 August, the town of Oatlands hosted the fourth annual bullock festival. The Heritage and Bullock Festival was established in 2018 based on similar, successful events that were hosted in Oatlands in 2006, 2009 and 2016. The festival was organised out of a desire by the people of Oatlands to host an event that would bring the community together, celebrate Oatlands' identity and bring visitors to the town. The 2018 Heritage and Bullock Festival was an outstanding success with more than 5000 people attending. Owing to this success it was decided the festival would become an annual event with it occurring every year since, except for 2020, due to the cancellation from COVID-19.

Oatlands is a truly unique Australian town with a long, rich history and unique attributes worthy of being celebrated. Oatlands was founded on 3 June 1821, with Governor Lachlan Macquarie personally selecting the site on the shores of Lake Dulverton as a most eligible situation for a town. Oatlands would quickly become one of Tasmania's most important colonial towns and a major convict and military settlement. Due to its central location between Hobart and Launceston it was intended to become Tasmania's capital. Unfortunately for Oatlands, this did not occur.

**Ms Ratray** - It is Campbell Town now, they bypass it instead.

**Ms HOWLETT** - Today, Oatlands has the largest number of intact Georgian buildings in a village environment in Australia - 138 to be exact - allowing visitors to experience the authentic charm of an 1830s village.

The Heritage and Bullock Festival is a free family event that showcases the trades and crafts of a bygone era, including blacksmithing, woodchopping, leatherworking, steam engines, spinning, weaving, quilting, chair making and much more. The festival also showcases Oatlands' unique, historical structures and brings them to life. Visitors can purchase bread, baked by Jill and Athol Bennett, as well as David Wells and his family, in an almost 140-year-

old oven, with all the proceeds from the bread making going to the Midlands Multi-Purpose Health Centre, which this year was over \$2000. The Oatlands Court House, one of the oldest Supreme Court houses in Australia, hosts dramatised trials, and mock auctions are conducted at the livestock saleyard.

Mr President, 2022 saw a new attraction added to the festival with a collections roadshow based on the BBC's *Antiques Roadshow*. People were encouraged to bring along their heirlooms, collectables and antiques to be examined for historic and monetary value.

The main attraction of the festival is the High Street Parade where Brian Fish parades his bullocks down the main street. This year the bullocks pulled a wagon loaded with whisky barrels, made at the new Callington Mill Distillery. If members in this House have not had the opportunity to visit Callington Mill, I suggest you do so. It is an incredible building and incredible whisky as well.

**Ms Rattray** - Formerly a flour mill.

**Ms HOWLETT** - Yes, that is right. Not only does the Heritage and Bullock Festival celebrate the history of Oatlands, it also contributes significantly to the town's economy, with this year's 5000 attendees estimated to have spent \$250 000 that will stay in the community.

I wish to thank the 2022 Heritage and Bullock Festival committee for the tireless work they did organising this year's events. Brian Fish, Dr Robert Simpson, Andrew Benson, Wendy Young, Michelle Webster, Grace Smith and, of course, the Southern Midlands Council and all the volunteers who gave up countless hours to organise and host the festival's attractions.

The Oatlands Heritage and Bullock Festival is a truly unique event that celebrates a truly unique, historical town. I am looking forward to attending next year's festival and many more in the future. I encourage all members to get along next year and support the festival.

### **Rural Youth - Agfest**

[11.17 a.m.]

**Ms PALMER** (Rosevears) - Mr President, I also add my congratulations to our new member for Pembroke and it is lovely to see your family here, to have them share with you in this special moment. You will certainly need their love and support over the coming years as you make your contribution to this place. A very warm welcome from the Rosevears electorate to you.

Mr President, it is true our lives would be poorer if it was not for the dedication and the generosity of our volunteers. In Tasmania, many of our major events and celebrations would not occur without the support and the hard work of volunteers who come from all walks of life.

Our sporting clubs, schools and communities rely on each of us to give back a little where we can. Last month I was thrilled to attend my first Agfest as the Minister for Primary Industries and Water, an event almost solely organised and executed by a team of volunteers. In this case, these volunteers are young Tasmanians aged between 15 and 30 who are members of Rural Youth Tasmania.

Some of these volunteers hail from my own electorate of Rosevears, with Rural Youth branches across Tasmania, including those who meet regularly in the north through their local Tamar, Hagley or Westmoreland branches. There are just under 200 Rural Youth members and around half of them sign up to be actively involved in the organisation and management of Agfest, which we know is the event on the agricultural calendar.

This year's Agfest did look a little different, being held over four days in August, instead of the traditional three days in May. Rural Youth took the step to reschedule the event in the hope that crowd restrictions would be lifted following the COVID-19 pandemic and their decision certainly paid off. This year's Agfest went ahead without limits as we continue along the pathway of living with COVID-19.

Around 50 000 people visited this year's Agfest in the paddock at Quercus Park, with some \$26 million estimated to have been generated for the Tasmanian economy as a result. The outcome was a welcome relief for Rural Youth, which had held a four-day event last year with crowd limits and an online only Agfest during the height of the pandemic in 2020.

The volunteers were fortunate for most of this year's event as the sky was clear, the sun shone and the crowds flowed through the gates. Unfortunately, however, there was significant rain in the lead-up to the event. As every farmer knows, the one thing you cannot control is the weather.

The Rural Youth crew did a marvellous job, ensuring the gates could open as planned on the first day of Agfest 2022. This was not without its challenges, as some exhibitors' sites needed extra work to redirect water flow, soak up damp and ensure safety and comfort for volunteer staff and visitors. However, these determined and committed young Tasmanians got on with the job and the show went on.

The cars and the excited Agfest patrons rolled in, in their thousands. They filled the car parks, they caught up with friends, hearing about the latest agricultural innovations, visiting almost 500 exhibitors and taking in the sights and sounds of the one-stop agricultural shop.

I would like to say that everyone lived happily ever after, but this is no fairy tale. The amazing Rural Youth volunteers endured their fair share of challenges during the four day event. Stories began to emerge of cars getting bogged as they tried to leave the sodden car parks and later in the week, unfortunately, some people were even stuck in the mud on the way in and again on the way back out.

Agfest patrons were asked to be patient, to be mindful of the conditions, and, above all, they were asked to be kind. While visiting Agfest on day three, I was saddened to see some of the hard working Rural Youth volunteers and their supporters reduced to tears, after being abused by patrons unhappy about the car parking situation. These were young people, some of them still in high school, and some giving up annual leave days or taking leave without pay. These were young people who stayed up late and were up again in the early hours of the morning to clean up, to prepare the site, to carry out every role imaginable to ensure this large scale event ran smoothly.

It is important to remember that 95 per cent of the running of Agfest is by volunteers. That means they man the car parks, the ticketing and gates, they clean the toilets, they empty the rubbish bins and they deal with all the inquiries. It was both heartbreaking and



disappointing to see how others were treating them, and it was hard not to feel a level of responsibility as a community representative. Plenty of hugs and reassuring words were shared and again patrons were urged to mind their manners. I was so proud and humbled to witness the resilience and the dedication of this special group of young Tasmanians led by Rural Youth president, Josh Mison and Agfest chair, Caine Evans. I acknowledge their contribution, not only to the agricultural and rural sector, but to the broader Tasmanian community, which benefits immensely from their unselfish actions and their passion for life on the land. I thank each and every one of these volunteers for their contribution and I applaud your strength, your courage and your commitment.

We cannot wait for next year's Agfest, which will start on 4 May. I hope to see you all there.

### **See Me - Stories of Ability**

[11.23 a.m.]

**Ms ARMITAGE** (Launceston) - Today, I want to shine a light on a fantastic project that is happening in Launceston. *See me - stories of ability* is a City Park Radio Launceston podcast that was born from the idea that more work needs to be done to better tell the stories of people with disabilities.

Jodie Lowe, former ABC Launceston newsreader and journalist, and my former electorate officer, has poured her passion and time into creating this podcast. A conversation with her 16-year-old son, Josh, who has autism, helped Jodie realise she needed to do something herself to create more understanding around disability. The idea behind the podcast is that people with disabilities are given a platform to share their stories on a deeper, more meaningful level. They are their stories, told their way. Focusing on the ability rather than the disability can create conversations and change entrenched preconceptions and beliefs about what people with disabilities are capable of, professionally, creatively and emotionally.

Over six episodes, *See me - stories of ability*, meets and hears from some truly wonderful people.

Derrick Jonas, the first person to complete the 94 kilometre wheelchair accessible section of the Launceston Urban Fringe Trail; Gopi Maya Rai, a young Bhutanese woman with an incredible singing voice; 11-year-old Bonnie, who helps her family care for animals at their not-for-profit Kanamaluka Wildlife Rehabilitation Centre at Legana; artist Michelle Murphy from Interweave Arts Studio; Avery McDougall, the author of *Invisibly Grace* and Jacquie Spencer, from the Launceston Masters Swimming Club.

Each of these episodes hands the platform and the microphone over to the person whose story is being told. Additionally, Jodie uses her skill in media to follow the golden threads and draw out the details that encourage reflection and understanding. Avery, who has autism and atypical autoimmune disease, called the experience therapeutic and rewarding. In a recent interview with Belinda King on ABC Northern Tasmanian breakfast radio, Avery explained:

I think for me, what I really want people to know when they hear this podcast is that I am someone with a rich life and I am really happy with my life. I am

really focused on living my best life. The challenges I face don't limit me or define me. They just show me a different way of looking at the world.

It is always a team effort to make a podcast and Launceston City Park Radio's Chris Ball has given strong support, technical assistance and encouragement throughout the entire process. The entire City Park Radio family has also given great support. I encourage all members to listen to *See me - stories of ability*, which is available on City Park Radio's website, under Podcasts, as well as on streaming services Spotify and Google Play. I congratulate Jodie and her son, Josh, whose hard work has seen this project come to fruition, and I thank Derrick, Gopi, Bonnie, Michelle, Avery and Jacque for telling their stories.

Before I leave the lectern I also welcome Luke to our Chamber as the new member for Pembroke. You will find it is a great family atmosphere here and I am sure everyone will make you welcome. We are very pleased to see you.

### **Stephanie Trethewey - AgriFutures Rural Women's Award Winner 2022**

[11.27 a.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I also extend my congratulations to the new member for Pembroke. I wish you every success in your role in this Chamber, which has already been described as the best Chamber in parliaments anywhere. Welcome. I look forward to getting to know you.

My contribution today is about a very exciting project and a person who is doing some great work in the electorate of McIntyre and right across Tasmania and the country. That person is Stephanie Trethewey, a Dunorlan-based farmer, podcaster and founder of *Motherland Australia*. Stephanie is the 2022 AgriFutures Rural Women's Award winner. The AgriFutures Rural Women's Award acknowledges and supports the critical role women play in rural and regional businesses, industries and communities. Stephanie was awarded this prestigious award for work in providing services, resources and virtual communities for mothers in regional locations.

From her own experience as a rural woman and mother, Stephanie was driven to create *Motherland*, a podcast series sharing a raw and unfiltered representation of motherhood in rural communities. After amassing 330 000 downloads, and profiling over 130 rural mothers, Stephanie extended *Motherland* offerings by launching Motherland Village, Australia's first online mother's group resource centre. The digital platform now offers nine separate programs for over 80 rural mothers with children aged from newborns to late teens. I expect that might have to go right through to adulthood, from my experience as a parent.

This approach made me reflect on how times have changed for mothers in our rural communities. My experience of being a young mum in a rural community, the way mums connected back in my day, as a new mum, these connections were through our child health clinics, where every Friday we would attend with our babies and possibly a toddler or two in tow. We would wait in the child health clinic for your turn to see the then clinic sister, who could have been Barbara Jessop, Jan Chilcott or it could have been a relieving person. That waiting allowed for the networking opportunity prior to when we reach the playgroups and the pre-kinder. Motherland is a new version of what were the good old days in connecting with other women who had babies.

Back to how it is today, for new mums in rural communities, through Stephanie's advocacy and implementation of the Motherland programs, she has created a new model for postnatal care in regional Australia and a blueprint for others looking at ways to improve the delivery of services in our rural communities. Obviously, if anyone knows how it works now, the child nurse or the support person comes to your home. We do not have child health clinics anymore. In our areas, they visit homes and hence, those connections are not made necessarily at that clinic point.

Stephanie will use her newly awarded Westpac grant to offer additional resources, through the Motherland Village platform, as well as a series of tailored postnatal programs developed in partnership with several rural-based hospitals. Mr President, a huge congratulations to Stephanie and her support network on this initiative and on behalf of our rural communities we wish her continued success.

### **TRIBUTES TO HER LATE MAJESTY THE QUEEN**

**Mr PRESIDENT** - I now invite honourable members to make a contribution on the life and service of Queen Elizabeth.

[11.33 a.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I rise to speak on behalf of the people of McIntyre, as their Legislative Council representative in the Tasmanian parliament.

The Tasmanian electoral division of McIntyre has existed for only five years, but for most of the residents the reign of Queen Elizabeth II has been there for our whole lives. To many of us, she has provided an inspirational model of stability, dignity, humanity and a sterling example of duty, dedication and service from her earliest days until the very end, over 70 years.

We will remember her grace, her wisdom, calmness, charm and particularly her sense of balance and humour in many difficult and trying times. The outpourings of love, respect, admiration and sorrow displayed around the world following her death are a true testament to her standing and we echo those views.

We will miss her greatly, but take heart from her annual Christmas message of hope, hard work, kindness and trust and the determination to address and resolve issues for the betterment of all. Time, sometimes sadly, moves on and as we move on we offer our condolences to the Royal Family and our thanks for the life of the Queen and our commitment to take lessons from her life's example.

It is a privilege to support this tribute on the passing of Her Majesty Queen Elizabeth II.

[11.35 a.m.]

**Mr VALENTINE** (Hobart) - Before I offer my condolences, I welcome the newly elected member for Pembroke and like others have said, I am sure you will enjoy your time here. It has its moments where you wish you were not here, but those moments are few and far between. Welcome and I do hope that you enjoy your time.

Mr President, I rise to acknowledge Her Majesty Queen Elizabeth II who died on 8 September at the age of 96 years, a very significant age indeed. She was Queen of the United Kingdom and other Commonwealth realms, including Australia, from 6 February 1952 after the death of her father King George VI - when I was about 19 months old - and she remained the monarch until her recent death on 8 September.

I formally pay my respects to Her Majesty and offer my condolences to her family who only now have the opportunity to mourn her passing after such a long and involved process.

Her Majesty was Queen regnant of 32 sovereign states during her lifetime and 15 at the time of her death. For those who do not understand what a regnant is, a regnant means she inherited the Crown in her own right. Her reign of 70 years, 7 months and 2 days is the longest of any British monarch and the longest verified reign of any female sovereign in history, according to Wikipedia. She achieved this on 9 September 2015, having exceeded Queen Victoria's reign at that point. Queen Victoria's reign was for 63 years, 7 months and 2 days and she is now the second longest serving monarch in British history.

Queen Elizabeth II was the second longest reigning monarch in world history, surpassed only by Louis XIV of France. The Queen served for 25 782 days, while the Sun King, as he was known, served for 26 407, just under two years longer. On 6 February 2017, she became the first British monarch to celebrate her Sapphire Jubilee, commemorating 65 years on the throne and then became the first British monarch to reign for 70 years with her Platinum Jubilee being celebrated in June this year.

To me, having only been aware of one monarch for my entire life until recently, the Queen really did become that still point in an often turning world. Over the past weeks, the Queen has been variously described as personifying decency and dignity in public life, the symbol of cooperation and reconciliation. She was a very measured person in all she did.

I had the pleasant duty of welcoming Her Majesty to Hobart in March 2000 and conducting her along Salamanca Place. On that occasion, I saw her receiving posies from children - and there were many of them - and Her Majesty sensitively held them long enough for the child to understand how much she appreciated them before handing the flowers on to her aides. She displayed a real warmth, which was very pleasing to see for someone of her public status.

I might not have displayed the same warmth to my 19-year-old daughter who was perched in a tree desperately crying out, trying to catch my attention. I recall looking up, shaking my head, mouthing, 'No, no, Tamsyn. Now is not the time.' It was certainly an experience I am unlikely to forget, both the tour, of course, down at Salamanca and my daughter up the tree.

We had dinner at Government House that evening, which was certainly an occasion.

I really do believe the Queen was very much loved by Australians, both monarchists and republicans alike, for her sense of duty and service to the Commonwealth over her 70-year reign. To be in that position for so long, to have the capacity to hold the most light, and on many occasions, the most serious of conversations, with the full breadth of people she met in the various stations in life they occupied, she was exceptional. The Queen adopted that sense of duty, and performed it right to the end. She will long be remembered.

I will finish with a quote that I noted in the *Mercury* newspaper a few days ago, on 22 September, and it is something for us to think about. Her Majesty is reported to have said:

I believe that young or old, we have as much to look forward to with confidence and hope, as we have to look back on with pride.

There have been times when the Queen was certainly beset by events that surrounded her, but to see through those times, and to state those words, to be positive as we face the future, they are the words of encouragement that we need to grasp going forward.

We are not experiencing the happiest times on a global scale, but we must look forward with positivity, to look for a peaceful resolution to our global woes. At least, that is the message I choose to take from Her Majesty's words.

Vale Queen Elizabeth II.

[11.41 a.m.]

**Ms FORREST** (Murchison) - Mr President, I express my condolences to the family, friends and all those who knew, and knew of, and held a deep affection for Her late Royal Highness Queen Elizabeth II.

I speak respectfully of her life and the contribution of a remarkable woman. Her Majesty Queen Elizabeth II lived a long and active life, devoted to duty and service, until just two days before her death at the age of 96.

In expressing my condolences, it is appropriate to also recognise and pay my respects to the original and ongoing custodians of the land on which we live: the Tasmanian and the Australian Aboriginal people, whose history in and on this land has been a different experience to those of us of British and other non-Aboriginal origins.

The Minister for Indigenous Australians, Ms Linda Burney, noted the complex relationship between Indigenous people and the monarchy, and the history of colonisation. I acknowledge this complexity in expressing my condolences on the death of Her Majesty Queen Elizabeth II.

Her Majesty Queen Elizabeth II ruled over the Commonwealth for 70 years, making her the longest serving British monarch. Queen Elizabeth was loved by many around the world, and lived a life of service and dignity, with unfailing loyalty to the Commonwealth. Whilst many around the world held a deep affection for the late Queen, my thoughts particularly go to those closest to her.

As a mother, mother-in-law, grandmother and great-grandmother, she is survived by many who will miss her deeply, as will her close friends and confidantes, and the staff who served her loyally, many over a very long tenure.

I can only imagine how difficult it must have been for her children, grandchildren and great-grandchildren to grieve a much-loved mother, grandmother and great-grandmother in the midst of a very public event. To see the deep sorrow on their faces and being required to continue to fulfil very public roles must have been extraordinarily taxing at times.

I appreciate that immediate and close family members are now taking a short time for private mourning following the funeral, which I hope is a time they can take to remember the many happy memories they have with their mother, grandmother and great-grandmother.

Queen Elizabeth II was almost universally and immediately recognised as 'the Queen' without further elaboration of which country or countries she was queen of, such was her reputation and the high regard in which she was held. This was expressed beautifully by the French President, Emmanuel Macron, when he said:

'Her Majesty Elizabeth II, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith', was born. Or simply, and these two words were sufficiently evocative: 'The Queen'.

The Queen ascended the throne at the very young age of 25 on the death of her father, King George VI. Being quite unwell prior to his death, both King George and the Queen Mother had been particular about preparing the young Elizabeth for her ascension to the throne.

Even at quite a young age, young Queen Elizabeth II took on this role already well prepared and very well aware of the enormity of the task and an enduring sense of duty.

We also note that this was a young woman who had lived through many challenging times including the bombing of London during World War II. She was also Honorary Junior Commander, Elizabeth Windsor, a mechanic and ambulance driver in the British armed forces during World War II.

For many of us who have not lived in the United Kingdom, it may be a little difficult to fully appreciate the depth of connection that she had with the people of the United Kingdom. The outpouring of grief we saw has been very real. For those born in the last 70 years, the Queen has been a constant, almost to the point where it was difficult to imagine her not being in that position.

The Queen well understood her role as a master of diplomacy. She was, and will remain, an inspirational role model for many girls and young women who have only ever known a woman to hold that role.

I am reminded of a foreword in a book called *Yes She Can: Why Women Own the Future*, by Ruth Davidson. I will quote this part of the book:

My best friend's mum tells a story. When we were eleven and twelve, her daughter and I - always competitive - raced each other back to the house after school. As we doubled over, hands on knees and sucking in breath, she told us that John Major had just become Britain's new prime minister. I straightened up and asked, 'Can a man even *be* prime minister?'

For our entire short lives, growing up in a small village in Scotland, the most important people on the television news at night were Margaret Thatcher and the Queen. Women ruled, and there was nothing my friend and I couldn't do.

A quarter of a century further on, I still believe that.

The Queen has been that role model for so many making it possible for others to see that these roles are not the realm of men. For the 70 years of her reign, she has been a constant reminder to many young girls and women that they can lead, often in a room full of men.

I was among the billions of people around the globe who watched Her Majesty's funeral. The Queen's direct involvement in the planning of these events was clear, from the funeral procession and the funeral service to the many personal touches throughout the period of mourning. Many aspects of the events over this period of mourning showed her deep connection with the British people and the consideration of those throughout the Commonwealth.

From the inclusion of healthcare workers from the NHS in the funeral procession, to members of the armed forces from around the Commonwealth, it was very clear that the Queen remained deeply aware of the value and the importance of those who served and continue to serve the nation and the Commonwealth.

For the loss of a much-loved Queen, I particularly wish to express my sincere condolences to His Majesty King Charles III, to the Royal Family and the close friends and confidantes of the Queen, and to the British people particularly, who will continue to mourn her for some time.

[11.47 a.m.]

**Ms PALMER** (Rosevears - Deputy Leader of the Government in the Legislative Council) - Mr President, today, as the member for Rosevears, I reflect on the life and service of Her Majesty Queen Elizabeth II.

Through all the pomp and ceremony that we have witnessed over the past two weeks, it would be very easy to forget that, in the middle of it all, stood one woman. I will start by quoting Shakespeare, who in his play, *Twelfth Night*, said:

Be not afraid of greatness. Some are born great, some achieve greatness, and others have greatness thrust upon them.

Queen Elizabeth II was an extraordinary example of someone who was all three of them. She was a woman who was not afraid of greatness. When she was only a young woman, she understood the duty and the responsibility that lay before her, and she took it on with solemn grace. Her first prime minister was a hero of his time, having steered Great Britain through World War II. The young Queen Elizabeth stood in her own power and met him as a peer and an equal. She was not afraid of greatness.

Throughout Queen Elizabeth's life, over nearly 100 years, the world's perception of women and their roles in society has changed dramatically. During the time of her 70-year reign, she led with strength, with confidence and elegance: a role model for us all.

I have spoken previously in this place of the almost surreal experience of meeting and lunching with the Queen some years ago in Launceston - in fact, it was the same tour in the year 2000 that the member for Hobart spoke of. I recall the moment I was asked to host the official royal reception at the Launceston Albert Hall, where over 1000 guests were to be

invited. I was 29 years of age and I was ecstatic at the thought of being on the same stage as Her Majesty and Prince Philip. I could hardly believe it when the then premier, Jim Bacon, informed me I had also been invited to join him and 17 other guests for a private lunch immediately after the reception.

The list of protocols we received in the weeks leading up to this event was endless. We were told what we could and could not say; we could never start a conversation with Her Majesty; and we had to wait to be spoken to. As guests we were told when we were allowed to eat and when we had to stop eating. You read through these quite extensive rules.

For me, as the host of the reception and also a lunch guest, I had one more hurdle to overcome to ensure proper protocol was adhered to. As the host of the reception, I was not allowed to leave the stage until after the Queen and Prince Philip had left, where they were proceeding immediately to lunch. However, as a lunch guest, prior to the Queen and Prince Philip's arrival I had to be in the dining room, standing in formation. So while our royal guests exited the stage and proceeded to our official lunch, I had to bolt out the back, up a flight of stairs to make sure I made it through the doors before they did. It had been clearly laid out to me that if I did not make it, the doors would be shut and that would be the end of my lunch date with the Queen. Despite my well-known three-inch heels, I did make it.

The Queen was seated at one table with her nine guests and I was thrilled to be one of them. At the other table was Prince Philip and his nine guests. I was absolutely chuffed to be seated at the Queen's table and even better, I was seated next to Jim Bacon. The lunch began and we were intrigued that we each had a waiter standing just one metre back from our chairs, our very own waiter, one for every guest. Each of them stood back politely, watching our every move. As the main course was served, Jim leaned over to me and whispered, 'Eat fast, Jo'. I looked at him awkwardly because Honey was also looking at us; she was cross because we were whispering at the table. He said, 'Just remember, as soon as she puts her knife and fork down, you have to stop eating. So make sure you eat fast and eat the things on the plate you like first'. We did rush down our food, constantly looking at the Queen to see when she was going to finish. As it said in the protocols, the moment she put her cutlery down, her waiter took her plate and our food plates were immediately whisked away.

The conversation around the table was highly structured and, as I stated in this place before, Her Majesty was not particularly interested in me. The person she was most interested in was Ricky Ponting. They chatted about the dogs, horse racing and, of course, cricket.

To this day, the moment that is very clearly impressed upon my memory is when Her Majesty opened her little handbag at the table and pulled out lipstick. She then proceeded to put it on, right in front of us. I was gobsmacked, having always thought it was rather poor form to reapply your lipstick at the table. It changed my life. From that moment on, I had no issue reapplying my lipstick, anywhere, anytime. If Queen Elizabeth had done it, it must be okay. More recently, my Mum sent me an article about the Queen and her frequent use of lipstick in public places. In fact, it has now been revealed, albeit not confirmed by the Palace, that this was a sign to her ladies in waiting that she was ready to go. Allegedly, her former footman, Ian Scott-Hunter, on a British TV show, let it slip this was indeed her secret code. No mirror was required, just the lipstick. With a quick swipe of the lips, the message was clear - time was up.



These are fun stories and I love to look back on my own personal experiences and reminisce.

What I will never forget is that this was a woman ahead of her time, a woman who was a world leader and when you strip away the pomp and ceremony, you are left with a dynamic and powerful woman who was not afraid of greatness.

My sincere condolences to the Royal Family on the passing of Her Majesty Queen Elizabeth II.

[11.54 a.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I add my voice to those of the members in this place and to all those right across the Commonwealth who are feeling the loss of Her late Majesty the Queen.

For 70 years, Queen Elizabeth II dedicated her life to that of service, a job which she did not expect to have and one which she could not simply leave behind at the end of the day.

In reflecting on the past 70 years, I have considered what the Queen has meant to me personally. She has always been there, and she was an incredible female figure to look up to. She had an extraordinary life, not just as our head of state and as a monarch, but as a mother and matriarch. It is unlikely that we will see another queen for a very long time with the current line being kings: Charles, William and then George.

With the death of Queen Elizabeth, so too the second Elizabethan era came to a close. Her reign saw countless significant events during the Cold War; periods of transition right across the world; financial, natural and civil disasters; and during periods of success and triumph, the second Elizabethan era characterised the better part of the twentieth and early twenty-first centuries. Whilst the Queen's role was to oversee the historical events of the Commonwealth, she invariably became a part of them.

During her visits to Australia, Queen Elizabeth visited some of the most remote areas of our country and she truly had the desire and the will to understand us as Australians. Discussing the passing of the Queen over the past few weeks with many people, the vast majority have a story about when they met her, saw her and even spoke to her. I also remember the event at the Albert Hall mentioned by the member for Rosevears, as I was in the crowd. I was rather surprised that she was quite a small lady; she and the Duke of Edinburgh were quite minute, I might say.

People of all different ages can remember their interaction with the Queen and how it made them feel. How many people in the world have this effect on people's emotions and memories? Very few, indeed.

Queen Elizabeth's life and reign acted as a thread running through time and passing through our most recent history and the significant events that comprise it. I have no doubt that in decades and centuries to come, the second Elizabethan era will be viewed as historically significant. A period of 70 years is noteworthy on its own, but when you consider all the ups and downs of the world during that time, to have that consistent person and the institution she represented, has helped us retain a sense of continuity that is important to how we perceive ourselves and the world around us.

Queen Elizabeth's life was extraordinary and we have just witnessed a truly historical event. We will never see another like her. I pay tribute to the life, service and memory of Queen Elizabeth II.

[11.57 a.m.]

**Ms LOVELL** (Rumney) - Mr President, I also extend my congratulations and welcome to my friend and colleague, Luke, as the member for Pembroke. I know Luke worked extraordinarily hard to be here, not just through the campaign but for many years before that and I know he will continue to do that as the representative for Pembroke.

Waking to the news of the passing of Queen Elizabeth II a few weeks ago was a moment that I found surprisingly sad. I say surprisingly, because as someone on the other side of the world, who obviously did not personally know Her Majesty, I did not expect to be as affected by the news of her passing as I was. Like most of us, I have only known one monarch in my lifetime.

After 70 years as Australia's head of state, most Australians would be unable to remember a time without Queen Elizabeth. Her Majesty has been a constant presence in our lives and I acknowledge her dignified life of public service. Her loss did come as a shock to many, despite her advancing years.

The outpouring of emotion from around the world since her passing is a testament to her 70 years as monarch, to the dedication she showed to the role, her resilience and her unwavering commitment to public service. It was this unwavering commitment that won her the genuine respect and affection of many around the world.

Queen Elizabeth was the first reigning monarch to visit Tasmania in 1954. Throughout her reign, she visited our island six more times, with the most recent of those being in 2004. I can remember her 1988 Bicentenary visit, standing on the tarmac at Hobart Airport with hundreds of other Tasmanian schoolchildren as we waited to welcome her. At the age of seven, I did not entirely understand who was coming or why we were there. I remember getting the rest of the day off school, which was very unusual, and I remember the excitement in the crowd, the feeling of joy that spread as we waited for Her Majesty. Tasmanians continued to come in large numbers to witness the Queen during her subsequent visits, with similar levels of excitement and joy.

In her time as Queen, Her Majesty dutifully fulfilled her responsibilities, while also caring for four children, two of whom were born while she was Queen. While I recognise that the life of a royal family is very different from the lives of most, I understand that this must have required many personal sacrifices. I have been touched by the many recollections of Her Majesty since her passing as mother, grandmother and great-grandmother.

While we and many others around the world mourn the loss of a Queen, a leader, and a constant and reassuring presence in our lives, those who knew and loved Queen Elizabeth II mourn the loss of a mother, a grandmother, a great-grandmother, a relative, and a friend. I cannot imagine the difficulty associated with mourning the loss of someone dearly loved in such a public way.

On behalf of the Labor members in this place and our constituents, I extend my condolences most of all to those who knew and loved Her Majesty Queen Elizabeth II. May she rest in eternal peace.

[12.00 p.m.]

**Ms HOWLETT** (Prosser) - Mr President, I rise to express my condolences following the passing of Her Majesty Queen Elizabeth II. I express my condolences to her family and friends, and to everyone who has been saddened or touched by her passing.

Few people were fortunate enough to meet Her Majesty, and even fewer were fortunate to personally know her, but for millions of people in Australia and around the globe, her passing was met with feelings of grief and loss. For all people born after 1952, she was the only Queen of Australia and Queen of the Commonwealth we ever knew. During her seven-decade reign, Australia had 16 prime ministers; the United Kingdom had 15; Canada had 13; and New Zealand had 18. However, all of these nations had only one Queen.

For many people, Queen Elizabeth II was a symbol of stability and continuity as well as a living connection between the past and the present. How many people can claim that they have personally met both Winston Churchill and Lady Gaga? Very few, I imagine. However, Her Majesty was one of them. Her passing marks the end of an era, and the closing of a chapter of history.

Queen Elizabeth II was born and raised to rule. She did not choose. She was reared for one single purpose: to be Queen, and to be above politics and the political divisions of elected officials. She was raised not only to be the symbolic Head of State of the United Kingdom, Australia, and the Commonwealth, but to also be the non-elected, non-political mediator that is necessary in a partisan, democratic system. Her major responsibility in the United Kingdom and to her governors-general in the Commonwealth, was the welfare of the people over whom she ruled and the protection and preservation of the democratic systems under which her people were governed. This was a duty that she fulfilled perfectly, only intervening in political affairs when completely necessary. During times of political impasse, or even in the event of an inconclusive election, she or her representatives could act as mediators to force the politicians to negotiate and work together, or make them go back to the people that they represent to allow them to express their democratic will.

Her style of rule became an example of how a constitutional monarchy should function. It is a style that constitutional monarchs around the world have sought to emulate. His Majesty King Charles III has pledged to emulate his late mother's style of rule, and to be above and beyond politics. Like his mother, he did not choose to become King but had the responsibility placed upon him at birth.

I will now touch on a subject that both Her Majesty and I share a passion for: horses. Her Majesty was a life-long horserider and racehorse breeder, inheriting both passions from her father, King George VI. She first sat in the saddle at age three, and learned to ride on her first horse, a Shetland pony named Peggy. When her father passed away in 1952, she inherited the royal stud at Sandringham in addition to inheriting the King's stables of runners, hacking horses, and hunters. To the public, the Queen's passion for horses was best exhibited with the Royal Windsor Horse Show, which she never missed since its inception in 1943. The Queen is perhaps best known to the racing public for leading the annual spectacular formal landau

carriage parade at the Royal Ascot meeting each June and running many of her horses at the various stakes over the week.

During her 70-year reign, Her Majesty missed attending one Royal Ascot meeting. That was this June in 2022. Between 1988 and 2022, Queen Elizabeth had racers in all classes and on all services won her more than £8.7 million. She entered her horses in 3441 races in the last 35 years, winning some 566 of them, for a respectable win percentage of 16.4 per cent. I am sure my father-in-law wishes he had that win percentage. Her most successful racing year was 2021, when her horses won 36 races out of the 166 they entered for a hefty win percentage of 22 per cent.

The Queen maintained a passion for riding her entire life. At age 95, she was begged by her doctors to step back from her riding. However, she was determined not to let age or declining health deprive her of this passion and allowances were made to allow her to continue to ride. In October 2021, she was afflicted with mobility issues that prevented her from attending a number of events and riding. She was determined to get back in the saddle and by June this year, she was once again, at 96, trotting around the grounds of Windsor Castle. Riding was her passion and Her Majesty continued to pursue that up until her final days.

Her Majesty led a long life well lived, a life of selfless service and absolute devotion to her duty. She is an example to all of us and will be dearly missed. May she rest in peace.

[12.07 p.m.]

**Mr DUIGAN** (Windermere) - I also welcome the new member for Pembroke. We have not had the opportunity to meet, but I look forward to catching up with you soon and congratulate you on your election to this place.

Mr President, mine is a brief contribution on this tribute to Her late Majesty the Queen. I thank members for their reflections and, in some cases, their personal experiences and interactions with Her Majesty. It is extraordinary that among the 15 or so of us relatively general people in the community - notwithstanding the member for Hobart as a lord mayor of Hobart and the member for Rosevears as Miss Australia at the time - many of us had interactions with Her Majesty and I have my own story.

In 1988, many people will remember it was the Bicentennial year and a huge year for Australia with all sorts of things going on. There was the opening of the new Parliament House in Canberra, at the time the most expensive building in the world; World Expo 1988 in Brisbane and of course, there was a royal tour. Tasmania was on the itinerary and I was a spotty, fresh faced, first year student at the University of Tasmania - or as it was then - the Tasmanian State Institute of Technology. I was studying Aquaculture in what was, at the time, the very new, very exciting pipes and tanks centrepiece of our thoroughly contemporary learning institution.

You can only imagine the excitement when we learnt that the aquaculture centre would be on the royal tour itinerary. I do not wish or like to generalise but among my Aquaculture student colleagues, the fashion and couture were not long suits. These were gumboots, flannies and beanie types and I recall taking in the spectacle of the student body of Aquaculture, out the front of the aquaculture centre, lined up in readiness to greet the Queen and it was the absolute definition of a motley crew. I must admit at the time having some misgivings as to what the Queen might think of all us lined up in our finery. I need not have worried. As others have mentioned, the Queen's very good humour and the warmth she displayed were completely

disarming. I recall her walking along the line of assembled students and them introducing themselves. Dr Nigel Forteath tells a great story of chaperoning the Queen around the university on that day, meeting all sorts of interesting people.

It was in 1988 and I still have memories of that day and I do not know if I have another memory that exists from 1988. I was one person on that one day. There were hundreds, probably thousands of other people on that day. Hundreds of thousands of people more on that tour and literally millions upon millions of people touched by the Queen over her 70 years of service. It was an absolutely remarkable life.

On behalf of the people of Windermere I offer my condolences to King Charles III and the Royal Family and to the many friends of Her Majesty. I sincerely thank her for her service.

[12.11 p.m.]

**Mr PRESIDENT** - If there are no other members wishing to make a contribution, I also pass my condolences on to King Charles III and the Royal Family on their loss of Queen Elizabeth II who was an exemplary role model: the very sort of person who should be head of state; composed, even through some very challenging times, and a complete constant in our lives.

I had the fortune to meet of the Queen in 1977 when school students, including myself as a student - which is probably not the right term for my schooling life - were all transported to the grounds of Government House by various methods. I can remember being very excited, probably equally as excited to be chosen to be in this group as actually catching the train down. It was very exciting for me to be able to board the train and travel to the capital city. We were all assembled at Government House around one of the paddocks, with thousands of school students - from each school there might have been two students from each grade, so there were a lot of us. Somehow our little group was right there, front and centre.

It impressed me at the time that Her Majesty and Prince Philip, after doing I do not know how many public functions that day and how many they would have had to go on to, worked right around this group of people and stopped and spoke and seemed genuinely interested in whatever little bits we had to talk about. I was fortunately there when she spoke to our group, and she asked, 'How did you get here?' I replied, 'By the train.' We had a special train put on. The Duke then made some quip about railway food. I did not understand at the time that making fun of railway food was a national sport in Britain, and I thought it was quite good. I thought the sandwiches were deliberately stale and the soft drink was deliberately non-fizzy. He made the comment about that and then they moved around and showed as much interest in every other little story the kids from around the state had.

I thought at that time, what a heck of a job, having to do that and she did that in such a considerate way for 70 years. It is amazing to think someone has to do that, without having a choice, born to take on that role. She was a wonderful example. Other members have mentioned her as a female role model in leadership who all of us here have lived in special times to witness. I do not think we will ever see that length of service of a monarch, certainly in our lifetime, but for many generations, if ever.

I thank members for their contributions and wish King Charles III all the best as he is now our monarch. We have already had our first oath of allegiance to the new King, and so a new era begins.

## MOTION

### Tasmania Law Reform Institute - Review and Report

[12.15 p.m.]

**Ms WEBB** (Nelson) - Mr President, I also welcome the new member for Pembroke, Luke. I hope you enjoy your time in this place and find it challenging. I know all of us here are more than happy to support you in that and look forward to working with you.

Mr President, I rise to speak to the motion under my name, number 6 on the Notice Paper. I move -

That the Legislative Council -

- (1) Notes the recent review of the Tasmania Law Reform Institute (TLRI) undertaken by an independent Review Panel, and the Review of the Tasmania Law Reform Institute final report June 2022, released on 20 July 2022;
- (2) welcomes the findings of the independent review, in particular:
  - (a) its observation that all submissions 'strongly supported preserving the Tasmania Law Reform Institute (TLRI) given its current positive impact on the broader Tasmanian community'; and
  - (b) the Report's emphasis on the important contribution made by the TLRI to public policy debate in Tasmania.
- (3) notes the 20 recommendations made to the TLRI founding partners in the review's Final Report;
- (4) further notes the review Final Report's clear assessment of the urgent need to place the TLRI on a sustainable footing, as the current lack of financial and staffing resources has resulted in work on four references ceasing, 'as has all other work such as engaging with law reform bodies in other jurisdictions, contributing to inquiries, commenting on draft legislation and engaging students in law reform projects';
- (5) acknowledges the high regard in which the TLRI is held across the community, fostered by the institute's recognised independence, impartiality and institutional integrity, and the need to maintain that current strong public confidence;
- (6) notes the current TLRI Founding Partners' agreement is due for renewal in November 2022; and
- (7) urges the Tasmanian Government to:

- (a) prioritise delivering in full, and in good faith, the recommendations of the Review of the TLRI Final Report for which government holds entire or partial responsibility, and encourage its fellow Founding Partners, the University of Tasmania and the Law Society of Tasmania to do likewise; and
- (b) commit to ensuring Tasmania's acclaimed premier law reform agency is sufficiently resourced to place it on a 'secure and sustainable footing into the future'; as recommended by the 2022 independent panel's Review of the Tasmania Law Reform Institute Final Report.

Established in 2001 the Tasmanian Law Reform Institute (TLRI) has since acted as the state's pivotal and premier law reform body. As such, it provides a vital role across parliament, government, university, the legal profession and the broader community in the provision of expert independent research, information, advice and insight.

The TLRI was established through an agreement between its three founding partners, the University of Tasmania, the Tasmanian government and the Law Society of Tasmania. Across the 20 years since its establishment, the valuable contribution that TLRI has made to our state is well recognised with UTAS going so far as to describe it as a 'jewel in the crown' of the university.

The recent review, which this motion calls on us to note, was instigated by the Vice-Chancellor of UTAS and was most welcome and timely - some may even say overdue, especially given the founding agreement which establishes the TLRI is due for renewal this November, barely a month away.

The review panel consisted of legal academics from the University of Adelaide's equivalent institution, the South Australian Law Reform Institute, as well as Emeritus Professor and former Governor of Tasmania, Kate Warner. The final report of the review, released on 20 July this year, contained many insights into the operations of the TLRI and its contribution to public policy development and debate in this state.

Contributing to this review of the TLRI were written submissions and meetings with a wide range of academics, legal groups, professionals, politicians and other stakeholders. I was pleased to contribute a submission to the review and I know that other members in this place, such as the member for Hobart and the member for Mersey, also did so.

Importantly, as mentioned in point two of the motion, the review report observed that:

... all submissions strongly supported preserving the Tasmania Law Reform Institute (TLRI) given its current positive impact on the broader Tasmanian community.

And -

... emphasis on the important contribution made by the TLRI to public policy debate in Tasmania.

The review report contained 20 recommendations spanning its terms of reference, which highlighted three key areas: the need for revisions to the Founding Agreement; provisions to support the independence and functionality of the TLRI; and the need to appropriately resource and staff the institute.

Mr President, while the significant contribution of the institute was noted by all contributors and by the review panel, the report does paint a bleak picture of its current state, and the urgent need to place the TLRI on a sustainable footing. The review report noted that:

The lack of resources, financial and staffing, is an existential challenge currently facing the Institute. After operating successfully for two decades, the Institute has no Director, no researchers and only an administrative officer in a 0.6 FTE position.

It also says that:

Work on its four ongoing references has ground to a halt, as has all other work, such as engaging with law reform bodies in other jurisdictions, contributing to inquiries, commenting on draft legislation and engaging students in law reform projects.

I note the references which had been accepted by the TLRI but are slowed or stalled in their progress include: a Review of the Tasmanian Constitution; Special Witnesses Hearing Scheme Study; a Re-examination of the Case for a Tasmanian Human Rights Act; and a Review of Privacy Laws in Tasmania. I disclose that I have a personal interest in that last one, as it was a reference from me that instigated it as a project for the institute. I remain very disappointed that it has been stalled in its progress, due to a lack of staffing and resources in the institute.

Leaving our premier Law Reform Institute floundering, underfunded and under-resourced, not only poses a threat to the institute's ability to function writ large, it also creates potential threats to the well-noted independence, impartiality and integrity of the institute. This is not a risk to be taken lightly. A number of submissions to the review, including from the TLRI's board, from Equality Tasmania and also from the member for Hobart, pointed to the risks that are associated with a founding agreement that does not guarantee the institute's financial independence. An institute undertaking important and impartial work such as that of the TLRI should not be reliant on consistently writing grant proposals to guarantee its continued undertaking of references. Nor should there be the potential for guarantees of more or less funding to wield influence over the work of the institute.

In her submission, former TLRI director, Terese Henning noted the problems that such a reliance on grants created for the institute, stating:

The need to apply for individual grants prevents long term planning and leads to a piecemeal approach to the Institute's work.

The administration of individual grants consumes time that would be better devoted to the core work of the institute.



It is of paramount importance that the upcoming renewal of the founding agreement allows the TLRI to adequately function, free from the constraints or influence that insecure funding may have on its work. This need is reflected in recommendation 19 of the review, which suggests that:

the annual baseline or recurrent funding from the Government be increased to at least \$200 000 per annum, to support the Institute's work programme.

As it stands, the Government's baseline funding provides \$50 000 per annum, which the panel noted is 'quite inadequate to support the Institute's work'.

The panel further noted:

Had this been indexed to inflation, it would have been \$80,016 for the 2021 calendar year, but still grossly inadequate to support the Institute's operating expenses.

There is little to mistake about the clear messaging being sent here in the report. At least a fourfold increase in government funding has been indicated as necessary for the institute to undertake its valued role and deliver on its program of work.

The review highlighted what many of us in this place already knew, that the TLRI is held in high regard throughout our state and beyond. It is seen as making a 'significant and lasting contribution to the laws of the State', and facilitating 'an informed and impartial discussion about the role law can make to improve the lives of all Tasmanians'.

Of particular importance, to all those who made submissions to the review, was the need for the institute to retain its independence, impartiality and institutional integrity, with the Law Society submission stating:

The independence of the TLRI is of the upmost importance. If it were otherwise, the research and review results of the TLRI may be called into question.

The review noted a consensus that the current founding agreement contained insufficient protections of the TLRI's independence and integrity, and made a number of strong recommendations to assist in rectifying this come November.

As I noted earlier, the TLRI's founding agreement is due for renewal by 23 November 2022. I brought this motion for us to discuss today to note the independent review report and its findings and for this Chamber to call upon the Government to commit to delivering in full, and in good faith, the recommendations from the report for which it holds entire or partial responsibility, and to encourage its fellow founding partners - UTAS and the Law Society - to do likewise.

What is of concern to me and others with an interest in this matter, is that we have heard little to nothing from the Government since this review was published, now more than two months ago. I greatly look forward to hearing any response that the Government may bring to

today's debate which would indicate firm support for the TLRI and full commitment to implementing the recommendations of the review.

Following the release of the review's final report, I wrote to the Attorney-General and the UTAS Vice-Chancellor, regarding the report's findings and recommendations. I have yet to hear back from the Attorney-General, while Vice-Chancellor Rufus Black responded positively, stating in his return correspondence:

The University is absolutely committed to the future of the TLRI and has a significant ongoing interest in its success, with the recruitment process for a new director to commence shortly.

He further said that:

I look forward to meeting with other founding partners so we can carefully consider the reviews, recommendations, and the next stage of the TLRI's important work.

I note that earlier this month, UTAS began advertising the director position for the TLRI, a welcome development, given that the institute has had acting directors since the retirement of Terese Henning in December 2019. Apparently, it has been without even an acting director since Professor Michael Stuckey stepped down at the beginning of May this year. I trust that progressing the recruitment process is indicative of the Vice-Chancellor's stated commitment to ensuring the TLRI's future.

I hope that UTAS takes a similar stance in delivering on the other recommendations for which it holds responsibility. I must comment that I am somewhat concerned as to what future plans the UTAS relocation will mean for the TLRI. To date, the TLRI has been provided with dedicated rooms within the law faculty on the Sandy Bay campus of UTAS. This allocation of space has provided support for academic and student involvement in the work of the institute.

My understanding is that as part of the planned relocation of the law faculty to the CBD of Hobart, there is no confirmation that there will be a permanent allocation of office space for the TLRI. The current founding partners agreement contains an obligation for UTAS to provide office space for the institute, and prompt reassurance is needed that this will be an ongoing obligation for which I hope the state Government will advocate strongly when negotiating the new agreement.

In the executive summary of the report, the panel stated of the review that they hope its recommendations will provide an opportunity to reinvigorate the relationship between the founding partners and place the TLRI on a secure and sustainable footing into the future. Indeed, I too hope that this review will be foundational in the much-needed reinvigoration of the relationship between the founding partners, assist in the development of a renewed founding agreement, and assist in returning the TLRI to its rightful status as a strong, stable, and functional law reform institute for our state.

I know other members will be familiar with the significant contributions the institute has made previously to matters of law reform that have eventually made their way to this place. Members will, I am sure, share my appreciation for the expert independent information research, advice and insight provided by the TLRI on matters of complex reform and policy.

I fervently hope that we will again be able to look to the institute to play this valuable role in the future once it has been provided with appropriate capacity and support from the three founding partners informed by the recent rigorous review.

Mr President, I look forward to hearing any contributions other members may make on this motion, and I hope that all members in this place will share with me a similar vision for the future of the TLRI.

I commend this motion to the members and ask that they support it.

[12.28 p.m.]

**Ms FORREST** (Murchison) - I thought I would take this opportunity to welcome the new member for Pembroke but he has actually just left the Chamber, so I might have to wait to welcome him. I will wait until he is back.

Firstly, I thank the member for Nelson for putting this notice of motion on the Notice Paper and bringing forward the debate, because I absolutely agree with the points that she raises and the contribution she has made. It would be entirely appropriate for the Government to respond to all those matters raised. I am not sure when the member for Nelson actually wrote to the Attorney-General about that, how long ago it was -

**Ms Webb** - In July, when the report was released.

**Ms FORREST** - Yes. We know it can take six weeks for responses from ministers, but I would have hoped that she would have received a response prior to this. I share the comments made by the member for Nelson about the value and importance of the TLRI. All of us in this place at some point have relied on the TLRI for information regarding legislation that has come to this place, particularly more complex, sometimes ethically challenging legislation, those sorts of matters.

We know that when they have had adequate funding - as I will get to in a moment - they have been able to fully investigate and look at public policy in these areas and produce a very well-researched report that as an individual member, I do not have the capacity to do. I highly value the work that the TLRI has done in the past and I sincerely hope that they will be adequately funded to continue to deliver that service not only to the parliament but to the people of Tasmania, who also take a great interest in this.

I acknowledge the three bodies that historically have funded and hopefully will continue to fund - and not only fund, but adequately fund and resource - the TLRI, that being the government, UTAS and the Law Society.

I do not remember if Ms Webb indicated that she had written to the Law Society, but assuming -

**Ms Webb** - I did not write to the Law Society. They do not provide funding but they are partners in the agreement and in drafting up the agreement, so I wrote to UTAS and the Government as the primary sources that would need to commit to fulfilling the recommendation.

**Ms FORREST** - Right, obviously, the Law Society has a very deep interest in the work of the TLRI too.

One of the most effective ways of diminishing the voice, the reach and capacity of any independent organisation is to inadequately fund and resource them.

We have heard from the member for Nelson's contribution that they basically have references on hold, and stalled now, and all worthy references. Whether you end up accepting the outcome of that work, and as a government, then putting it into legislation, is another matter. They are important bodies of work, and the fact that they cannot continue that once they have basically taken on the reference, is very concerning.

They can and have been able to be relied upon for well-researched areas of public policy, and producing reports that are very comprehensive and very detailed. Their financial independence is crucial. As the member for Nelson alluded to, without financial independence you can just fund the work that you want as a government, or even the university, for that matter, could fund work that they want to see done, but not look at broader public policy issues, or other references that may be provided for members of the public or members of parliament.

They do not always accept references, as I understand it, and that is fine too. That is their prerogative. They are an independent body. However, it is important that where these matters are of significant public interest, particularly where the government of the day, whatever its colour, is looking at bringing forward legislation in that particular area, or reviewing legislation that has been passed in the parliament and may be being reviewed subsequently - they are important bodies of work. I speak for myself here, I do not have the capacity to do the sort of work they do.

The review that was conducted by people well qualified and versed in this area, and able to make recommendations and findings related to this, universally recognised the value of such a body, and as the member for Nelson has alluded to, the absolute imperative of adequate resourcing and staffing for such a body.

We know that the baseline funding of \$50 000 is - all of us would accept that is an inadequate amount to actually enable the sort of work that the TLRI has done. The recommendation was for at least \$200 000 as a minimum to enable them to do the work that they need to do.

The TLRI has been held in very high regard by society generally, and by all members of parliament, or most members of parliament - not all, I cannot speak for all - even if members may not agree with or support some of the recommendations or outcomes of their reviews of public policy. The fact is that the research they have done is very robust, very rigorous and can be relied upon.

I do not wish to repeat the words of the member for Nelson because she has made a very clear contribution on the value and importance of this. The submissions were universal in their recommendation for the ongoing support, funding and resourcing of the TLRI to ensure that it can continue this work. I look forward to the contributions of other members, particularly the Government's response, which I hope will give an indication of the Attorney-General's response to the letter the member for Nelson wrote to her in July.

[12.34 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I, too, support the motion before us noting this particular report. I did actually provide a submission to this and when thinking about whether I should be responding to this, as to whether I had a conflict of interest, I thought, no, I am not making a decision in any way, shape or form. I am simply advocating. When you read the report, it is quite clear, the high esteem with which this body is held by quite a number of those who have made submissions to it. My particular observations in putting forward a submission was it was important that there be an overarching statement early in the document. That indeed it is called a foundation document, but it could be a constitution. That there be an overarching statement early in that document that clearly sets out the institution as an independent nonpartisan law reform body.

It really is important for us. We have a university that has expertise in law. Quite clearly, it is important that the expertise be made available to the parliament through the research that this body can undertake. It has to be nonpartisan and independent, without fear or favour for whatever the government of the day's attitude may be to certain policy reforms they are trying to put forward. This body is a legal review body, which is important. We sit here in judgment on government legislation all the time. That is our role, but a lot of us around the table are not lawyers, some of us might have some legal training but I do not think we have a lawyer in our midst. It is always important -

**Ms Rattray** - A bush lawyer -

**Mr VALENTINE** - Plenty of bush lawyers. We are making legislation, that is our role. To review what comes from the other place, for the most part, and we are making legislation. It is important for us to have the best information available to us, as part of that review. When it gets to legal matters, it is so important for us to be able to draw on that expertise. It is important it has a solid financial footing to be able to undertake its role. When we are setting laws for the state, or at least reviewing laws that are intended to be set by the government, we do not want to see those laws be lacking in sufficiency simply because we did not have an organisation like the TLRI or they did not have the resources to be able to undertake the necessary research that could have added to the debate. We do need to see the organisation have sufficient resources to properly undertake a role of scrutiny when it comes to legal matters.

At this point in time, it is important the TLRI remains in the Faculty of Law, where it presently resides. I say 'at this point in time' because members will know we are currently undertaking a review of the University of Tasmania Act in part. It is important we may indeed come out with various recommendations and certainly would not want to be pre-empting what the review may or may not find. We have this law faculty, which has expertise and it would seem to be the best place, at this point in time, for it to reside.

While the institute is certainly valuable to the process of legislative reform, consideration could be given to a form of governance that strengthens its independence by removing it from any form of partisan control, yet retains some form of parliamentary oversight as well, that it is not just through one member of parliament, as in the Attorney-General. It is not taking anything away from the Attorney-General, but it is important all members of parliament should have a part to play. It is important to maintain the capacity for any member of parliament to submit a reference to the TLRI on a matter they may wish to have examined. It would be for the governing board to assess the merits of such a reference in the capacity of the TLRI to undertake such research within its funding. Above all, any reference provided at the will of

parliament should be favorably considered for acceptance by the TLRI providing the funds are, or have been made, available to undertake such research. It is up to the board to make that decision and it is important to state that.

I simply state there should be no price on the availability of good research focused on delivering evidence-informed decision-making, which is of itself delivers evidence-informed legislation which is fundamental to governing Tasmania as a state. Whatever the level of funding of the TLRI is required to be delivered, it needs to be set and quarantined from cuts to ensure certainty for such an institution and is fundamental to the development of good, robust legislation.

There are 20 recommendations. I am not going to go through them all, but a lot of them are focused on how the renewal of the agreement should look and they are all worthy of consideration and I thank the member for bringing forward the matter for debate. It has been an interesting review and I might say yes, the University of Adelaide was involved, but our own previous governor, the Honourable Kate Warner, was also part of that review, having been a director of it for some 13 years. A significant amount of time and a well-respected individual. I encourage the Government to seriously consider these recommendations and hopefully accept them and carry forward in the direction they would appear to be taking the organisation. I note the report.

[12.43 p.m.]

**Mr GAFFNEY** (Mersey) - I also acknowledge and congratulate the member for Pembroke on his election, terrific, well done and I actually mention a predecessor in my contribution from Pembroke, so best of luck.

I rise to speak in support of the member for Nelson's motion and to reinforce the point the Tasmania Law Reform Institute is an essential body working to navigate prudent and impartial law reform in helping us, as legislatures, to properly fulfil our informed role in this place. I also acknowledge the comments by previous members and perhaps, provide a somewhat slightly different contribution to the issue. It is perhaps telling that the TLRI, established on 23 July 2001, has recently attained the age of majority, its 21<sup>st</sup> birthday and been gifted a review into its form and function. To some extent, we were the older relatives speaking to this occasion and its future as a fully independent and thriving entity that has matured into stable adulthood. However, there may be a mismatch in expectation as the review has highlighted some points of concern and recommendations to address them.

I recognise that for most legal practitioners the law is a thing of elegance. A set of carefully crafted rules that embody how society is governed to ensure that everyone is equal before the law and no one, be they an individual, company or government can gain an unreasonable and illegal advantage over others. Whereas, for most normal people, who are not legal practitioners, the law can present as a series of impenetrable complexities. If we add into this its interpretation and application by the legal profession and judiciary, and it often appears as a deliberate ruse to frustrate and obfuscate the daily lives of the members of our wider community. This is not a recent development, as historically the law as a living entity, with its quirks and frustrations, has always, and rightly met with a challenge from the wider community. If we were to delve back to the 19<sup>th</sup> century, Charles Dickens' observation in *Oliver Twist* may well reflect his own early experience with the law and the impact of poverty. The fact his father and family were forced into the debtor's prison, and with Dickens' later work as a law clerk and legal journalist, would certainly have given him a range of lived experiences

of the law. His published works were perhaps a social barometer and conscience of the times in which they were set. In *Oliver Twist*, he writes that Mr Bumble had just blamed his wife for something he himself had been accused of doing and was told that 'the law supposes that your wife acts under your direction'. Mr Bumble's reply is now infamous, a disaffected rallying call for all of those who feel that the law had unjustly wronged them:

If the law supposes that, said Mr Bumble, squeezing his hat emphatically in both hands, the law is an ass - a idiot. If that's the eye of the law, the law's a bachelor; and the worst I wish the law is, that his eye may be opened by experience - by experience.

As an aside, Mr President, some members may think I misquoted. That is not the case. Some of our now ingrained grammatical niceties occurred after Charles Dickens' writings. Indeed, Mr President, there is the suggestion that Dickens himself recycled the phrase from a play published nearly 200 years before and it is one that has gone on to be used by many later commentators to describe laws that are simply not good enough, wrong, or cannot be relied upon to be both reasonable and fair. Now my wife is retired, I want to clarify and like many of us in this place, I would never dare to presume that my wife would ever act under my direction. In the modern day, that is an absurd suggestion and plainly obvious that the law has thankfully evolved alongside society's given norms and expectations.

In more recent times, Paul Brennan, who some regard both as a lawyer and a comedian, used a reworked version of Mr Bumble's exaltations as the title for his 2006 layperson's practical user guide to the complexities and absurdity of Australian law: *The Law is an Ass: Make Sure it Doesn't Bite Yours!* What this literary and legal allusion points to is to what sometimes can be the truly asinine nature of the law, together with the machinations and bureaucracy of the systems that surround its enforcement. That is an additional challenge, with the fairness of legal interpretation and its application often doubted by disaffected parties that can bear a burning sense of injustice due to some perceived fault in the law, especially if it is not of their making.

We in this Chamber could be guilty of being the cause of some of this, as virtually all Tasmanian legislation has at some point made its way through this place both in the distant past and more recent times, and subject to review through the lens that acts as a filter for norms of those times. We attempt to foreshadow what future scenarios may arise and mitigate what may sometimes be seen as a political initiative to benefit a particular party's view on how things should be. Whilst we can be said to be a reactive entity by reviewing and hopefully, improving legislation that mostly comes from the government of the day, we may not always get it right. In many cases, we seek to include amendments and additional safeguards that reflect our concerns.

However, the true impact of that which passes this process cannot be truly judged until tested in a court of law and subject to the interpretation of the judge and possible jury. Lord Denning was a highly regarded pre-eminent English lawyer, judge, and King's counsel in 1938. He said that judgments are the stuff of legend and widely to be recognised as sometimes contradictory nature of the law as written. Additionally, his controversial jurisprudence in interpreting the law in novel ways in order to do justice according to the parties in the case have directly challenged the law, rather than slavishly following established precedent. It is perhaps his foresight in the interpretation and application of the law when faced with new and unforeseen scenarios that is the beating heart of law reform. It is unlikely we will see a legal

mind of his stature and influence again as processes change and the opportunity for community comment and influence increases with the growing engagement of our community and electors in the legislative processes.

This is where the value and significance of the TLRI's crucial work has to be openly acknowledged. It is a catalyst in helping to define options for legislative reform of the law as currently written and law that is needed to cover new scenarios to make it better. If we look to the TLRI's website, we see that its functions are clearly described and I quote verbatim:

The functions of the Institute include the review of laws with a view to:

- the modernisation of the law
- the elimination of defects in the law
- the simplification of the law
- the consolidation of any laws
- the repeal of laws that are obsolete or unnecessary
- uniformity between laws of other States and the Commonwealth.

The Institute may receive proposals for law reform or research projects from a wide range of sources, including the judiciary, the Attorney-General, the Legal Aid Commission, government departments, the Parliament, the legal profession, members of the community and community groups.

What is not to appreciate with such a succinct and comprehensive description of its role? Looking to the future, one would naturally expect that the founding partners would be fully supportive of the independent review process and implementing the recommendations thereof.

We live in a time when our community rightly expects an opportunity to contribute to the political debate, much of which surrounds law reform through the legislative process and policy input that can help to define the operational matters of government. The closing sentence in the TLRI's functions and objectives defines the openness of the institute to accept community input. With the increasing role of the community consultations in other government inquiries and reviews, this is now seen as a natural right within our wider community and an essential part of our democratic government.

In this case, the review of the TLRI invited contributions from 100 stakeholders; met with 22; received written submissions from 16; and has allowed a full, open process of community engagement. In comparison with other inquiries and reviews, the level of submissions can be said to be quite moderate. However, the final report has provided strong and salient recommendations that should be delivered in their entirety by all of the TLRI's founding partners.

If we look at four of the many law reforms the TLRI has reported on and I quote from information on its website:

Problem Trees and Hedges: Access to Sunlight and Views - 2016  
Review of the Guardianship and Administration Act 1995 (Tas) - 2018  
Legal Recognition of Sex and Gender - 2020.  
Jurors, Social Media and the Right of an Accused to a Fair Trial - 2020



With just these few examples we can see the broad sweep of old and new legal issues that come up for review and exploration. These are often complex and contentious, and those disagreeing with a reform report can sometimes be tempted to suggest bias or other method of disagreement as an easy means of dissent.

Given the wide-ranging and sometimes divisive topics that arise, the report has recommended that there should be an explicit statement of independence that reflects the true nature of its integrity in the delivery of its functions and objectives. I quote the suggested wording:

The Institute has a duty to act independently and impartially in performing all of its functions and achieving its objectives.

It is perhaps a reflection of our modern world that such statements need to be made as a way of proving a negative. Whilst it is given that the institute itself is a beacon of integrity and learned debate on what can be controversial points of law, it does not overtly define its culture and ethical approach to its law reform in a way that is beyond doubt.

The four prudent recommendations that relate to the institute's position, role and relationship to its founding partners are entirely appropriate and give an ongoing sense of sustainable continuity, rather than being reliant on an agreement renewal process, as the report suggests. It gives a real sense of independence and autonomy, that is largely free of external pressure and future doubt, whilst still allowing the founding partners to have measured input and safeguards.

The five recommendations relating to the institute's current constitution, governance arrangements and reference process are again, prudent changes that may not have an immediate or direct impact. They do, however, allow for improved governance practices that can better reflect the integrity of the institute's operations and transparency.

Mr President, the final three recommendations surrounding the appropriateness and sustainability of the institute's resourcing and staffing are perhaps the most significant. As has been mentioned by other members, no entity can function without the necessary resources to properly deliver its prescribed functions and objectives. It is an anecdotal truism that a government's benign neglect of an entity's funding needs can often work in its favour. The entity can be said to exist and the government can say it supports and engages with it, whilst at the same time not being troubled by the output that might challenge the government's own policy interests.

As the member for Nelson states in the motion, the report identified the work of four current references ceasing, due to a lack of financial and staffing resources. With this, more detail of a worrying section 8.3.1 of the final report - this is interesting for the member for Pembroke:

The lack of resources, financial and staffing, is an existential challenge currently facing the Institute. After operating successfully for two decades, the Institute has no Director, no researchers and only an administrative officer in a 0.6 FTE position. Work on its four ongoing references has ground to a halt, as has all other work, such as engaging with law reform bodies in other jurisdictions, contributing to inquiries, commenting on draft legislation

and engaging students in law reform projects. The student recipient of the 2022 Vanessa Goodwin Law Reform Scholarship, has had no mentor or meaningful work from the Institute, until this was remedied by the recently appointed Acting Dean.

I hope that the Government can quickly resolve this frankly humiliating and shameful situation. It is truly embarrassing that the TLRI's work has ground to a halt for want for what is almost a trivial and piffling sum. This is in comparison with the hundreds of millions of dollars and largesse being thrown about with gay abandon by the Government in dogged pursuit of its AFL aspirations. If we add to this the crusade to build a new, in excess of \$750 million stadium that few people seem to actually want, then it becomes even more untenable that the TLRI has been starved in the way that it has been.

With the complexity of the legislation that comes before us in the modern day, we in this place, the government and our community stakeholders have an ever-increasing need of the vital work of the Tasmania Law Reform Institute. It must be a thriving institute that inspires us all to be better at what we do and the solutions are plainly made in this report.

I will close with an observation made three centuries ago by Thomas Fuller, that I hope the Government can reflect on:

Be you ever so high, the law is above thee.

I fully support the motion.

[12.57 p.m.]

**Ms LOVELL** (Rumney) - I will make a few brief comments in support of the motion and particularly to recognise the work of the TLRI, the Tasmania Law Reform Institute, as many other members have done. As other members have noted, the TLRI plays an extremely important role in our parliamentary system in particular. We are all making decisions that have a significant impact on people's lives and many of those decisions are in relation to the rule of law and the way that laws interact with Tasmanians in their everyday lives. It is important that we have adequate information and advice to be able to do that. I certainly appreciate the role that the TLRI plays in being able to provide that frank and fearless advice to us all.

My colleague in the Labor Party and in the House of Assembly, Ella Haddad, as the shadow attorney-general, put in a submission to the review on behalf of the Labor Party, and I know other members put in their own submissions. I will refer to some of the points that she made in her submission in speaking to, in particular, a couple of the recommendations that came out through the review.

By way of introduction, we recognise the extremely high regard in which the TLRI is held, not just in the parliament and by all sides of politics - which is always refreshing - but also in the legal community, the academic community and the general community, locally here in Tasmania but also nationally and internationally.

Under the founding agreement, the TLRI is to conduct reviews with a view to modernising the law, eliminating defects, simplifying and consolidating the law, as well as identifying need for repeal of obsolete laws and facilitating uniformity of laws across jurisdictions. The objectives in 2019 were expanded to include the ability for the TLRI to

conduct reviews with the view to optimising the operation of the law and facilitating access to justice. This is a critical role which should be retained and I hope will be able to be retained into the future.

It is a known fact that in the criminal justice system there is frequently a disproportionate impact on disadvantaged members of our community. It is important that any future law reform embarked on by any government -

**Sitting suspended from 1.00 p.m. until 2.30 p.m.**

## **QUESTIONS**

### **Salmon Industry Moratorium**

**Ms LOVELL question to MINISTER for PRIMARY INDUSTRIES and WATER, Ms PALMER**

[2.30 p.m.]

On 16 September 2021, the former Primary Industries and Water minister, Mr Guy Barnett, imposed a 12-month moratorium of no net increase in leased farming areas in Tasmanian waters for the salmon industry. Has this moratorium ended?

### **ANSWER**

I thank the member for the question. Our Government is ensuring that our salmon industry remains sustainable, is world-leading and retains the support of the Tasmanian community.

The 10-Year Salmon Plan will centre on innovation, continuous improvement and world-leading practices. Hard work, innovation, dedication and investment in Tasmania's salmon industry has seen it rise to become the single biggest primary industry sector in our state. It provides a substantial economic contribution to our regional communities through employment, transport, feed and other supplies. This is an industry we should all be proud of.

We encourage industry and the community to help identify new long-term actions that will support a vision for a sustainable, resilient and innovative salmon farming industry.

Consultation on a discussion paper towards a 10-Year Salmon Plan recently closed and feedback received will help to inform the development of the draft 10-Year Salmon Plan, which will be released for consultation later this year.

When Mr Barnett announced the development of Tasmania's 10-year Salmon Plan in September 2021, he clearly stated that an immediate 12-month moratorium was in place. Moreover, the moratorium meant that while the 10-Year Salmon Plan was being developed, there would be no net increase in total leasable area for finfish farming in state waters on the current allocations and those areas subject to current research permits that may result in approved lease areas.

While the moratorium expired earlier this month, this principle will continue to apply until the plan is finalised and takes effect next year. The draft 10-Year Salmon Plan which will be released in the coming months, will be developed on the principles of future growth in land-based and offshore salmon farming, world best practice through continuous improvement and strict independent regulation.

### **Working Together - ECEC Services**

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

[2.33 p.m.]

- (1) Will the Working Together expansion provide universal access or will it remain subject to eligibility requirements?
- (2) Will the Government self-assess government-run Working Together against national quality standards?

### **ANSWER**

- (1) The Government has worked closely with early childhood education and care (ECEC) services, families and key stakeholders to design Working Together and to provide increased access to quality early learning for more children. We are expanding Working Together from 2024 as a first step towards the goal of universal access to early learning for all Tasmanian children in the year before kindergarten. The Government will continue to work closely with families, ECEC services and other stakeholders to grow access to early learning in Tasmania.
- (2) There will be no change to the regulatory requirements for the ECEC sector. The National Quality Framework will continue to provide a nationally consistent approach to regulation, assessment and quality improvement for the delivery of ECEC services.

### **Tasmania Police - Complaint Management Process**

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

[2.35 p.m.]

With regard to police investigations into matters related to offences against an individual:

- (1) What avenues are available to an individual when they believe the police response to a report of a serious incident has been inadequate, including:
  - (a) details of the person and/or organisation the individual can approach in the first instance; and

- (b) details of any body or organisation that can pursue a matter of this nature on the individual's behalf?

**ANSWER**

I thank the member for her question.

- (1)(a) The management of complaints about the conduct of Tasmania Police is set out in the Police Service Act of 2003. Tasmania Police also addresses complaints in accordance with the Commissioner's Direction for Conduct and Complaint Management and Compliance Review, which is known as Abacus.

Should the member of the community wish to lodge a formal complaint, the complaint can be made directly to Tasmania Police by phone, in writing or in person. Complaints can be made to any police officer. The Tasmania Police Manual section 13(1) includes an order that a member who is advised by any person that they wish to make a complaint against a police officer or Tasmania Police is required to obtain details (person reporting, circumstances, et cetera) and must register the matter on Tasmania Police's reporting software.

- (1)(b) Tasmania Police recognises that members of the community may wish to seek an alternative complaints avenue or may wish to escalate their concerns. In this situation, complaints can be directed to the Tasmanian Ombudsman, or to the Tasmanian Integrity Commission. Information regarding how to pursue these avenues is provided on the Tasmania Police website at [www.police.tas.gov.au/about-us/compliments-and-complaints](http://www.police.tas.gov.au/about-us/compliments-and-complaints). Tasmania Police also offers a complaints process experience survey to seek feedback from the community on the complaints process. This survey is also available on the Tasmania Police website.

**Cat Management- Registration**

**Ms RATTRAY question to MINISTER for PRIMARY INDUSTRIES and WATER, Ms PALMER**

[2.37 p.m.]

Minister, given that there are still in the community, particularly the rural community, considerable concerns about feral cats, is your Government considering re-looking at the licensing of cats in the future, domestic cats that then can become feral cats?

There have been some calls of recent times for the registration of cats. What are you and your Government thinking in that regard?

**ANSWER**

I thank the member for the question. Like you, I as the minister for Primary Industries and my electorate office in Rosevears also have received different requests from members of the public as to how the Government is dealing with this issue. Amendments to the Cat

Management Act of 2009 were designed to strengthen our cat management laws, and they were proclaimed in January 2021, and these amendments are now being implemented.

The Government is supporting implementation of the act, which is delivering on \$350 000 in election commitments, with the employment of statewide cat management coordinators. The Government is providing \$1.44 million over four years for the employment of three regional cat management coordinators who work closely with local government and the community.

I will take the rest of your question on notice and get back to you with any further information that I can.

### **Tasmania Police - Staffing Levels at Bellerive Station**

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

[2.39 p.m.]

- (1) How many police officers are required for safe staffing levels at Bellerive station that Tasmania Police must achieve at any time of the day?
- (2) Have there been any occasions where safe staffing levels at Bellerive have not been achieved since 1 July 2022? If so, on how many occasions?
- (3) Has Clarence Plains station been closed to supplement the numbers at Bellerive?

### **ANSWER**

I thank the member for his question.

- (1) Safe staffing at Bellerive Police Station consists of five police officers, working at any given time during the 24-hour cycle. This comprises one sergeant and four constables.
- (2) Tasmania Police records as at 9 September indicate that Bellerive Police Station was unable to comply with safe staffing on three separate occasions since 4 July 2022. This was due to unplanned absences. In each instance there were four officers on duty.
- (3) On occasion, resources within the Clarence division, which includes Clarence Plains Police Station, are utilised to support safe staffing at the Bellerive Police Station. During these times the policing response continues to be delivered to the Clarence Plains region. The Clarence Plains Police Station is attended as required and remains open. From the 46 recruits graduating in November, Bellerive will receive an additional eight officers.

## **MOTION**

### **Tasmania Law Reform Institute - Review and Report**

**Resumed from page 31.**

[2.41 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I was making some brief comments about the review into the TLRI and the motion brought to us by the member for Nelson. I forgot to thank the member for Nelson for bringing this before the parliament for us to debate because it is an important issue.

I was speaking about the fact we know that in criminal justice there is a disproportionate impact on disadvantaged members of the community and this knowledge and evidence should be at the heart of any law reform changes embarked on by any governments into the future. This is one of the reasons why it is so important we maintain the capacity of the TLRI to be able to conduct reviews with this aim in mind and in order to inform the decisions we are making in the parliament.

There were two recommendations in particular I wanted to touch on. The member for Nelson and other members have covered others at length. The two I particularly wanted to briefly mention are the recommendations in relation to the maintaining of the independence of the TLRI.

The TLRI and the independence of the operation of the TLRI, as well as the impartiality of its research and advice, is one of the strengths of the institute and one of the most important aspects of the advice we and Government can receive.

The ability of the institute to operate independently is a measure of its ability to effectively serve the Tasmanian community. To date, the institute has operated with a high level of independence, partly based on goodwill between the three founding partners and the TLRI itself. Partly because that is something recognised by all of us as being of great importance.

It is fundamental to the independent operation of any law reform institute they can conduct research and provide advice that is evidence-based and impartial, which may not, necessarily, align with government or university policy and priority. We have seen that in the advice and recommendations been provided by the TLRI to date and something we must make sure can be continued. In particular, recommendation 8 references the importance of maintaining that level of independence.

Other members have talked about funding and it is widely recognised in the community, amongst the legal fraternity, in academic community and certainly across the public sector, that the TLRI performs its work admirably on a very limited and quite precarious funding base.

I understand on its establishment, the TLRI received a base funding commitment from government of \$50 000 per annum. This base figure has not essentially increased in 20 years, which means in real terms funding has gone backwards, as operating costs continue to increase.

Obviously, the university provides significant financial in-kind support, including the salary of the director, office space, salary for research staff engaged on a project basis, and specific project funding for some references. We know the institute often relies on specific project-based funding from other various sources. However, it is obvious ongoing reliance on these funding sources poses a risk as they cannot be relied upon to make up core or base-level funding for the basic operations of the institute.

The institute is frequently called upon to provide advice on matters other than the matters that relate to its primary purpose of conducting research and producing reports, including providing advice on government legislation and policy issues; providing advice or working with law reform bodies in other states and territories, particularly in relation to the harmonisation of laws at a national level. Without an increased and secure base level of funding to employ staff, there is a very real risk the work of the TLRI will be under significant threat, including its capacity to conduct community consultations and to be able to continue to produce accessible, easily read versions of reports.

One of the objectives in the renewal agreement was to facilitate access to justice and we would all agree that would go against that objective in particular. Recommendation 9 does reference an increase in funding, it is not an insignificant increase in funding but when we look at the overall quantum we are talking about it is a fairly - was it the member for Hobart, or the member for Mersey called it a 'piffling' amount? I like that word.

**Mr Valentine** - No, it was not me.

**Ms Rattray** - The member for Mersey. It was a very good word.

**Ms LOVELL** - The member for Mersey. I have not heard that word in a while - a piffling amount - and it is a piffling amount when we look at the quantum of funds the Government is responsible for. Compare that to the importance of the role of the TLRI and the value it adds, not only to our decision-making here in the parliament, but to government policy development and to many of the other roles and responsibilities we have talked about.

I will end my contribution there in saying I support the motion. Thank you to the member for Nelson and I acknowledge and thank in conclusion the TLRI for the work it does. I see great value in its work and appreciate very much and know other members feel the same way.

[2.47 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - I rise to speak on this motion on behalf of the Government. From the outset I thank the member for Nelson for this notice and being able to talk about this and I acknowledge her views on the TLRI.

I will state from the onset the Government will not be opposing this motion. The Government is considering matters arising from the review process and will be continuing to engage closely on this piece of work with the other founding partners, the University of Tasmania and the Law Society of Tasmania, prior to the expiration of the current agreement later this year.

The Government agrees with the sentiments many members have expressed. The TLRI is held in high regard across the community and undertakes an important role in Tasmanian



law reform. Indeed, this is exactly why the Government has provided a range of supports for the institute for a long time now and we continue to look at how we can best support the TLRI to ensure it remains strong into the future.

The Attorney-General would like to take this opportunity to welcome the recent appointment of Associate Professor Jeremy Prichard as Acting Director of the TLRI. Associate Professor Jeremy Prichard has a longstanding involvement with the university and the TLRI. The Government and the Attorney-General look forward to his work in this important position.

As many members are aware, the TLRI was established in 2001 by agreement between the state government, UTAS and the Law Society of Tasmania. The functions of the institute include the review of laws, with a view to the modernisation of the law; the elimination of defects in the law; the simplification of the law; the consolidation of any laws; the repeal of laws that are obsolete or unnecessary, and uniformity between laws in other states and the Commonwealth.

The TLRI is able to receive proposals for law reform or research projects from a wide range of sources, including the Attorney-General; the judiciary; government agencies; Tasmania Legal Aid; the legal profession; members of the community and community groups. The activities of the TLRI are predominantly funded through a combination of state government funding, in-kind support from the University of Tasmania and grants for specific projects from sources such as the Law Foundation.

The Government continues to provide \$50 000 per annum to the TLRI, alongside the support provided by the University of Tasmania's Faculty of Law, which ensures in-kind support for staffing, amenities and funding administration.

From time to time the Government has also provided additional support for the TLRI, for example, where it has been identified that additional resourcing is needed to support particular work or projects. Although this amount has not changed in the agreement since 2001, in practice it has been higher at times, including a one-off approval from the Attorney-General for a \$250 000 grant that the review notes led to higher output of the TLRI between 2016 and 2019.

Mr President, the University of Tasmania commissioned the review of the TLRI, with the support of all the founding partners who were all actively engaged in the consolidation process on the restructure, governance and funding of the TLRI. As the final report notes, the review was prompted by a letter from the Attorney-General, Elise Archer MP, to the Dean of Law, Professor Tim McCormack, in November 2009 to update the governance structure of the TLRI to ensure it was contemporary into the future.

At this time, the TLRI agreement was extended for three years with a commitment to complete a review of the TLRI to inform the next renewal agreement. Due to the resignation of Professor McCormack as Dean in June 2020 and the COVID-19 lockdown and travel restrictions, no progress was made on the review in 2020. It was not until late 2021 that the terms of reference were settled and a panel appointed. The review panel consisted of Professor John Williams AM, who was the chair; Emeritus Professor Kate Warner AC; and Associate Professor David Plater, three eminent and senior members of the legal community. The review panel delivered its final report in July 2022.

The review made some 20 recommendations across three categories, which propose key priorities for the future of the TLRI and they are: the aims, objectives and operation of the founding agreement; strengthening independence and governance; and sustainability and resources. The Attorney-General is in the process of carefully considering these recommendations, alongside other key stakeholders.

Members are unanimously in agreement that the TLRI is an important institution, playing an integral role in Tasmania's law reform. The Government is committed to getting this right, in partnership with the founding partners.

Mr President, it is crucial to ensure the TLRI has the right governance and structures in place for the future of the TLRI to remain contemporary and sustainable, and we know there is a strong community interest in delivering these outcomes. We are engaging and working closely with other founding partners on the responses to the recommendations and on the future of the TLRI, and there will be more to say on this before the end of the year.

That brings me to the letter that the member for Nelson has written to the Attorney-General and has not yet received a response. I am led to believe that the member for Nelson received an acknowledgment of the delivery of the letter -

**Ms Webb** - We all receive that. It is an automatic email.

**Mrs HISCUTT** - if you let me continue, Mr President - but there has been no response yet because the responses are still being considered.

**Ms Webb** - Two months.

**Mrs HISCUTT** - Yes. Mr President, the Government, therefore, notes the member's motion and does not oppose the motion.

[2.54 p.m.]

**Ms WEBB** (Nelson) - Mr President, I thank all the members who have made contributions to the debate on the motion. It was much appreciated. It is a strong endorsement of the high regard for the TLRI in this Chamber and this parliament, and the importance of it as a contributor to evidence-based, expert-informed law reform and policy development in this state.

I will make a couple of brief comments in my summing up. I particularly thank the member for Murchison and the member for Hobart for their substantial contributions and their recognition of that important role. With considerable experience in this Chamber and a lot of interactions with the TLRI over the years, they are both well placed to speak to the important role that it holds. I enjoyed the member for Mersey's 'piffling' comment. I agree, it is a piffling amount. It is an absolute bargain for the Government to commit to what is strongly and clearly recommended in this report. To do otherwise is a real embarrassment in terms of the Government's view of the value and importance of this role. I also enjoyed the member for Mersey's contribution, which had a lot of reflections about the nature of law and was well considered. Thank you.

Member for Rumney, thank you for highlighting in your contribution that there is often a disproportionate impact on vulnerable and disadvantaged members in our community, in

matters that require law reform. That is a very important way that we benefit from the research and advice and information provided through the TLRI, to assist us to have a more fair and equitable community and legal basis for our governance.

I am pleased that the Government is not opposing this motion. That is positive. The rest of the Government's response is fairly ordinary. To say that discussions are ongoing does not give us any indication as to where they are going to land. I am pleased to hear that the Government agrees this is an important institution and it is important to get its governance and structures right. Exactly - it is important. It is also important to get its funding right. There was a glaring omission from the Government's contribution about any commitment to funding. We know, and I will repeat it here, that the review report pointed to the current level of funding of \$50 000 per annum, as being:

... quite inadequate to support the Institute's work

Quite inadequate. They have said that funding of at least \$200 000 a year would be required for it to undertake its role in a well-resourced way. If the Government falls anywhere short of that, it will be an embarrassment for our state, given that it is a very modest amount in the big scheme of things. I hope we do not find ourselves in that situation.

I was interested to hear the announcement - because I do not believe there has been another public announcement - that Jeremey Prichard has been made Acting Director of the institute. I am interested to know if there was a public announcement about that - I do not believe there was - by the University or the state Government. I am interested to know when Associate Professor Prichard was put into that role, and what role the state Government had in selecting or having him selected for that -

**Mrs Hiscutt** - Through you Mr President, noting that it is an acting position, it is not permanent.

**Ms WEBB** - Sure. Since 2019, we have had acting directors, so he is the next in the series. It is an interesting appointment. Associate Professor Prichard has been on the board of the TLRI for some time. I know he has at times absented himself from the board when certain matters were being investigated. It will be interesting too to see the outcome of the full recruitment process for a new director. Thank you very much to members for their contributions, I appreciate it.

I will finish by putting my thanks on the record for the previous directors and staff of the TLRI who have made this institution so valued and so well respected, and who have delivered such high-quality service to our state, as well as the members who have kept it chugging along - in a minimal way, but still there in this difficult time. I look forward to seeing the full complement of staffing and resources into the future.

**Motion agreed to.**

## MOTION

### **Consideration and Noting - Report of the Legislative Council Government Administration Committee B - Inquiry into Disability Services in Tasmania**

[3.02 p.m.]

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

That the report of the Legislative Council Government Administration Committee B inquiry into Disability Services in Tasmania be considered and noted.

I take this opportunity to acknowledge the former Chair, Jo Siejka, former member for Pembroke who instigated this committee. During the time of the committee, parliament has been prorogued and one of our members - Jo Palmer, member for Rosevears - took the matter so seriously she became a minister. The report is a terrific outcome when you look at it in that respect. It will be interesting to receive the Government's response to this report, particularly when the minister was part of the committee that was involved in taking the evidence.

I again thank Jo Siejka, former member for Pembroke, for her work on this. She was a fierce advocate for those living with a disability and we acknowledge that. The 128 pages - it is not a novel, and was never meant to be - drills down on some of the aspects that are going to change people's lives for the better.

Part of the chair's foreword says 'it is of concern that if the recommendations in this Report are not acted upon, that the lives of many Tasmanians living with a disability will deteriorate as their support needs are not met'. That is a very strong statement. The findings, recommendations and the deliberations of the committee are all aimed at achieving a better quality of life for those in Tasmania living with a disability. I will come back to that.

For those members who have not had the opportunity to read this report, I suggest that it certainly is a worthwhile read and the information that comes with it is integral to what has been presented.

There is never a particular order when we come to the main issues raised in the submissions. As I go through, I will touch on the various terms of reference that were used in the report findings, and then the 18 recommendations that flowed from those considerable 30-odd significant findings.

Back to the main issues raised in submissions. A number of submissions noted that people over 65 are not eligible for the National Disability Insurance Scheme (NDIS). As we know, anyone over the age of 65 is not eligible. They may be eligible for My Aged Care; however, this is not as well tailored as the NDIS as a process to assist people with disabilities.

Support under the NDIS is for the individual, not organisations or other support groups and this affects the ability of services focused at disabled people in general. These are the issues that were raised. For instance, we received a very poignant submission from Print Radio Tasmania which had lost state government funding but did not fit the NDIS model. I will talk a bit more about that as we move through the report.

The Information Linkages and Capacity Building (ILC) grants scheme is mentioned in a number of submissions as a possible source of funding under the NDIS. However, from mid-2020 the ILC program moved from the National Disability Insurance Agency (NDIA) to the Department of Social Services. That caused, and is still causing, some significant issues for particular areas of delivery of service.

It is also noted in a number of submissions that it is difficult for small regional organisations or services to participate in the NDIS due to the onerous administrative and compliance burdens imposed. How many times have we heard that? Implement a scheme and make it so onerous that it becomes difficult for organisations to comply. It is almost as though there is an attempt to dilute the numbers and only the larger ones with capacity end up being able to stay on the journey.

A number of submissions raised issues about obtaining and retaining suitably qualified staff. This industry of service delivery for those living with a disability is no different than any other industry across our state and across our country to some extent. We hear on a daily basis that there are challenges in keeping people in the workforce but also encouraging new participants in the workforce. When you unpack that and focus on the impact of not being able to find workers to deliver these services, that is going to significantly impact people who need those services, and are eligible for those services. The impact on those individuals and their families and their communities, is huge.

Another mentioned, even if an individual is approved under a scheme, in many areas in Tasmania, none of the accredited providers have any funding available to provide the services. That is another layer of complexity in delivering the services that are required. We will work through that one as well.

Mainstream health issues such as dental care, are considered as outside the NDIS. How can dental care be considered outside of NDIS? We know how important oral health -

**Ms Forrest** - Same as it is outside of Medicare.

**Ms RATTRAY** - Exactly

**Ms Forrest** - Fundamentally wrong there too.

**Ms RATTRAY** - An important issue that was raised and it goes on:

However, there can be disability-related issues for people that are not well catered for in the mainstream health services.

I am not saying that this is not an issue for other mainstream health services as well but for those living with a disability, it has an even bigger impact.

Moving on to the Government submission, it indicated it was the responsibility of the state government to provide services to disabled people not covered by the NDIS and also the Government submission indicated that service systems are designed to avoid duplication and access to support across the service systems.

A new national disability strategy is to be released in late 2021 and the Government's submission notes that government agencies are committed to work with the NDIS to resolve transition issues. Some years on now, it appears there are still a number of links that are not quite linking when it comes to delivery of services between the NDIS providers and we know - and I am not stepping back at all from the significant funds that our state Government, on behalf of the Tasmanian people, puts into the delivery of those services through the NDIS. We know it is significant but also when it is not delivering on some of those services that are desperately needed, then there needs to be reconsideration and a review. That may well be one of the issues that the minister puts forward in her contribution, how that is going to be solved.

We were assisted very ably by the committee work but also the research arm of parliament is always very advantageous for any committee work that happens in that parliament. I acknowledge the work of the parliamentary research arm of parliament, who compiled those issues and did a brief overview of each of the submissions. We all do that as members of the committee and it is good to overlap and have a look at what each submission highlighted and where members actually put their focus.

It was a subcommittee inquiry; not every one of Government Administration B participated. The members of the subcommittee were Ms Rosemary Armitage MLC, and as I have already indicated, Ms Jo Palmer MLC was the inquiry Deputy Chair until 6 April 2022 when other roles in this parliament needed to take precedence over being a member of this important committee.

I have already acknowledged the inquiry Chair, Ms Jo Siejka, former member for Pembroke, myself as the Chair of Committee B member, and Mr Josh Willie, who came back to Committee B and who has been a huge contributor to the work that Committee B has been doing as well. One committee, road safety, I know the member for Launceston would dearly love to have completed - we are down to three members, so it becomes very difficult to continue the work of committees when we have such small numbers, various commitments in our diaries and trying to get everybody together.

**Ms Armitage** - Two prorogues and a suspension.

**Ms RATTRAY** - Two prorogues, yes.

**Mr Valentine** - We know the feeling.

**Ms RATTRAY** - Yes. And a break for the acknowledgement of the passing of Queen Elizabeth II as well, where no committee work was able to be carried out.

**Mr Willie** - It is hard when people are waiting on you too, is it not?

**Ms RATTRAY** - It is difficult, and the secretary of that committee's phone number is attached to a number of emails and Mr Scott is fielding a number of phone calls on behalf of people wanting to know how much longer do they wait. The member for Pembroke will be interested in knowing this, when it is asked about a time frame for a committee, it is: how long is a piece of string? It can be as long as it takes, or as short as it takes. There is no definitive time frame for the work of a committee. We often believe that we are going to have a short, sharp inquiry - and that is certainly the intention - but it does not always go to plan. You will learn that along your journey.

Taking a few snippets from the chair's foreword, and I know that members may well have it in front of them, but the aim of the committee inquiry was to better understand the supports available to Tasmanians living with a disability and specifically for those who are eligible for the National Disability Insurance Scheme, the NDIS. Another interesting fact is that Tasmania has the highest rate of disability of any state or territory. There are a number of causal factors, including high rates of poverty and an ageing population. It is hard to say, 'ageing population', from someone who is standing here.

The disability support sector is vital to ensuring that Tasmanians living with a disability can participate socially and economically in our community. That is what anyone, I believe, wants and expects, not only for the person living with a disability, but for their families and their community, that expectation is certainly there and should be there and it should be delivered on.

Tasmanians living with a disability and the sector that supports them: there have been considerable, constant and rapid changes over the past few years. These changes include the introduction of the NDIS and it came with sweeping changes as we well know. Changes to the quality and safeguarding legislation, policy and practice, and a rapidly growing workforce that still has its challenges.

The impact of these policies and economic changes to disability support: this was examined by the committee, and the availability of services ineligible for the NDIS, including those service gaps and workforce and planning needs. That is an important factor. It is the workforce and planning needs. We had quite a bit of evidence on that. There continue to be some very good initiatives in our communities for rolling out those workforce needs, but we have not been able to achieve what is genuinely needed.

It is clear that the state government has an obligation to support people living with a disability who are not eligible for the NDIS, in addition to the funding support provided to the NDIS through the Commonwealth government. The committee noted the roles and responsibilities of the Tasmanian and Commonwealth governments under the NDIS, but it was highlighted a number of times that they were confusing for participants, applicants, carers and service providers to navigate. It is complex to navigate your way around the system to gain the services that you need.

It was considered that one way that confusion occurs is in the lack of clarity of the role each level of government has, as well as the roles and responsibilities between various mainstream government services, such as when a person is living with a disability and enters the health system. We had some evidence relating to if you receive this package, you need to go to a hospital to provide services but your package does not overlap that person you have that rapport with, a relationship with, that is not necessarily able to transfer over. The continuity of care is broken at times and for someone with an intellectual disability that can be quite distressing. They are so used to having a particular support person around and then they are not able to be with them at their time of need. It can be very confusing and we heard some evidence based on that.

These barriers mean many people are not receiving the NDIS support they need and are eligible for, nor the support to apply for the NDIS. It is complex in that application process and the impact of these barriers can be seen in those living in rural communities, where despite high numbers of people living with a disability there is a low rate of NDIS participation. That

gives the view those people living with a disability either do not have the support they need to apply, or the services are not available for a number of factors. That coordinated approach is missing/lacking through the scheme that was supposed to meet the needs of those eligible.

Additional challenges are present due to the disability service environment rapidly changing with numerous and ongoing changes to policy and practice legislation and leadership. This includes five different ministers being given responsibility for disability in a 12-month period. We now have a relatively new Minister for Disability Services. The Tasmanian public is very supportive of the minister's announcement in this role and look forward to the minister staying in that role for a very long time, so we can get some of that continuity.

Whilst there has been an increase in the number of service providers and in the amount of dollars spent on disability support, many state government-funded supports and services had their funding reduced, removed or altered since the introduction of the NDIS. I named a couple, which was the radio network, but also, we heard evidence on New Horizons. Many in this Chamber will know the valuable work New Horizons does in our community, particularly engaging with sport and that camaraderie.

As an aside, a couple of times I attended the annual Christmas get-together the former member for Rosevears used to host at his home for the New Horizons network. To see those New Horizons members interact with each other and those who were there supporting for that Christmas event was truly heartwarming. For the funding to be reduced, cut and the way they have to continually write grant applications to receive the funding they so desperately need, to deliver these services, was quite heartbreaking. There were two or three members on the committee in tears when we heard from the New Horizons representative. We were in tears knowing what that organisation directly does for those members of New Horizons. It was quite overwhelming at the time. The CEO was visibly overwhelmed when Belinda Kitto talked about what it might mean for New Horizons to not have this continuity of funding, because they no longer fitted under the very strict parameters of the NDIS. Last year you did, doing the same work, next year you do not. It is a significant issue.

I have talked about the challenges of funding, we have just listened to a contribution and acknowledge the work and the contributions by previous members on funding for the TLRI. Everyone has challenges when it comes to seeking funding, but these are the most vulnerable members of our community. They need extra consideration.

We go on to talk about the many small-like organisations that have reduced the services they provide, or have closed, while others remain concerned for their future viability. This has meant many Tasmanians are now reliant on volunteers for support, who are unable to receive necessary support for their disability.

The closure or threatened closure of these organisations also represents the potential loss to the Tasmanian sector of considerable intellectual knowledge and expertise and experience. Once people step away from organisations they are often reluctant to go back. They sort of feel like they have done their turn and rightly so. A lot of them, perhaps, are semi-retired and think I can spend some more time with my own family, but that is a loss. Such a loss, to those organisations. You only had to hear a number of those organisations that talked about they would not exist without their volunteers, some who had years and years of experience.



I have already talked a little bit about the funding options now available to some of the services through the Commonwealth Grants-based program, but we heard how inadequate that was and does not enable some organisations who support the care and meet the needs of the people living with a disability.

One such example can be seen in the support for people living with brain injury, many of whom, due to the fluctuation of their condition and the rules regarding NDIS, are not eligible for the NDIS and who are reliant on state-funded services as a result. They do not fit this box. They have been supported over here by smaller organisations who have a deliberate focus, but they are not being funded anymore. Where do they go? Who picks them up?

Their families do an amazing job just supporting them on a daily basis, but they need that specialised support and need some constants in their life. Some of us do not particularly like change. I probably have to put my hand up and say I am one of the first ones that pretty much like things how they are.

For somebody who is perhaps living with an acquired brain injury, taking them out of their daily routine can be very disruptive.

I have already talked about the shortage of workers, including direct disability-supported allied health professionals such as occupational therapy. We know how important those allied services are. It is part of their rehabilitation or generally for people living with a disability that need that type of support. There is some work to do in that area.

I am in the recommendations and Mr President, you will not be surprised to see the committee highlights the role of the state government, and that is to work with the NDIS to ensure the needs of Tasmanians living with a disability are met, and reduce current gaps in service provision, and workforce.

One of the main areas here, is it includes the need for formal agreements with mainstream government services to ensure that continuity of care and to reduce that confusion.

Furthermore, the need for the reinstatement of funding to disability support service organisations supporting those who are ineligible for NDIS cannot be overlooked, understated, any of those things. It is so important.

I will head now to a few of those 18 recommendations stemming from the 56 findings. I will not cover them all because thankfully there are two more members of the committee and I do not want to take all of the words that they might like to share.

In touching on the terms of reference, the first term of reference was the consideration and management of the state-based costs of long-term care and support for people who are not eligible for the NDIS. In this particular area, the Tasmanian Government has an obligation to provide appropriate and accessible housing for people living with a disability and should urgently address the current shortages. I know we will be talking tomorrow when we get back to the Homes Tasmania Bill about the lack of suitable housing. The people here who we are referring to who are living with a disability, are a vulnerable group of people in our community. They should have the appropriate housing needs in our communities. The last thing that we need for those individuals is to be housed away from their support networks, which is their families. That is the last thing that they need.

Should the bill pass in its entirety, I expect that will be the number one focus of that very swish new board that is going to be put in place. If it is not, then I put them on notice, here and now, that it needs to be.

Data collection is always important. One of the recommendations is that the Tasmanian Government collect data in relation to the number of amputees in Tasmania, to understand the prosthetics support required. It is another important aspect of having a reasonable life, to have the right limbs, to replace ones that you have not been as fortunate as some others to have for whatever reason, whether it be through birth, through accident or whatever. It needs a focus, having that data to actually understand the needs is very important. Also, the Tasmanian Government must work with the NDIA to address the disparity between Tasmania's high rate of psychological disability and low participation rates of people receiving NDIS support, another important aspect.

All of these recommendations from the terms of reference come back to the recommendations that were made relating to the Tasmanian Government's responsibility under its co-arrangements with the National Disability Insurance Scheme, the NDIS, to provide support for people with disabilities. The roles and responsibilities need to be clearly defined and communicated by governments to assist those participants, carers and service providers to navigate the system.

I come back to the fact that if you make something so complex and you do not have the support to be able to navigate your way through, there is a lot of money being put into a system and I suggest it is not being effectively utilised and certainly not by the people who need it most of all.

A priority should be to improve engagement and support for people living with a disability currently not accessing NDIS in rural and remote areas. You have to take some services to those areas. This is the role of that coordination. Once you have collected data not only for those amputees but also people who are living with a disability but they are not accessing because there are no services locally - we need to continue to roll out that type of service right around the state. Tasmania is such a decentralised state and people do not all live in Launceston, Hobart, Devonport or Burnie.

There is another recommendation about ensuring that there is capacity within the public service for disability policy across government departments. I acknowledge that there has been a lot of work done in this area, but I expect that there is a lot more that could be done as well in this particular area of the public service when it comes to policies that relate to those living with a disability. Mainstream services from the Tasmanian Government must develop formal agreements to ensure continuity of care with NDIS and non-NDIS service providers.

We have some expertise in this state and there need to be those formal agreements put in place so people know where they are going, they know what their role is, it is clearly defined and these are the services that need to be provided and here is the adequate funding to do it. For all of the terms of reference on pages 20 and 21, 18 recommendations is not a huge number of recommendations, but they are very significant in what they can deliver for those people living with a disability, their families and their communities.

The second term of reference relates to the range of support services available to Tasmanians who are not on, or eligible for, the NDIS. They are those people aged over 65.

We heard a harrowing story about somebody who had been diagnosed with myotonic muscular dystrophy (MMD) at just 65; no care available. None of those resources that would have been available had they have been diagnosed at 64. You have no control over when you are diagnosed and might well have already been able to have been, but perhaps did not get the right diagnosis at the right time and just missed out.

That particular gentleman lives in my community and there has been quite a bit of community fundraising to provide an appropriate wheelchair and some modifications to the family home. However, not everyone has the support of their community and that is why we have had such a focus in this country on looking after our most vulnerable people and those who at their time of need, we as an entire country, we have stepped up. However, to stop at the age of 65, does not mean your needs go away from 64.5 to 65. You actually become more dependent. You would not have parents around to help, so you are relying on children or siblings and that is a very difficult ask.

I am a bit emotional. As I said, I am not going to touch on all the aspects because we have two other members of the committee and I hope that they might have a contribution. I am sure they do. I have already touched on the funding of organisations that service those not eligible for the NDIS and I talked about the radio network, the amputees, the Brain Injury Association and New Horizons to name four off the top of my head. There needs to be some consideration on that and I feel sure the minister has those and other organisations on her radar. I can see her writing right now. She is probably sending an email to them all right now.

With workforce development and training opportunities for the disability support sector, including allied health, the recommendation was greater alignment with the education system, with labour market demands and we heard some good evidence that is highlighted in the report. Darren Mathewson is fantastic in his delivery of these are the issues and these are the sum and solutions. That is what you are looking for, an organisation that steps up and can identify some issues, but also highlight some solutions.

There needs to be a conversation with TasTAFE, if you can get them to do anything. After my last rant, I do not want to start again on that today, when it comes to TasTAFE. Here is an opportunity to skill people who identify as having the compassionate needs, patience and will to support those living with a disability. It takes a pretty special person to deliver those services and to have that education support, gain that certificate is something - you could do those jobs as a mature age participant in the workforce. It would be no issue around that. You do not necessarily have to be able to lift people and that type of thing, sometimes it is about emotionally supporting them, taking them to events, giving them a social life, they might not have otherwise. There are some important roles within that sector that could be taken on, developed by an older workforce. Here is a great opportunity.

We have talked about recommendations the Government should consider developing a specific disability workforce development strategy to support the disability sector's growth and skill development needs. It is around having that conversation. If we have a housing summit to talk about what is required about housing and come up with a solution to that called the Homes Tasmania Board, then why cannot we do something like this when it comes to the area of supporting those living with a disability in our state and that workforce development strategy? Equally as important, to have that type of initiative performed by government. I can imagine there are plenty of willing participants from the sector who would, if the minister said this is what we are having on this day, and we invite anyone who has some connection to

providing a service, then they will be there in their droves to support such an event and, I expect, with some very good initiatives.

Obviously, the good old catch-all, any other matters incidental thereto: we have to have it in because you never know what might come out of that particular reference. In particular, the committee found the issues on transport, in the transport industry. It is suggested the Government consult with the transport industry to address a lack of accessibility and availability of transport options throughout Tasmania. If you are living with a disability and you need to go out late at night, or later - perhaps have a bit of a late night out - you need to know you are going to be able to get home safely. To have access to those modes of transport is very important. Not every vehicle can accommodate that and we need to know there are sufficient appropriate vehicles and transport options for those people to have their required needs met.

We also have a recommendation on a review of the impact of the reduction to the taxi subsidy, ensuring that no client is disadvantaged. At the beginning of this contribution I took some words from the chair's foreword and we know that was the former member for Pembroke, Jo Siejka, MLC, and I will repeat a couple of -

**Mr Willie** - It was a very well-written foreword. I read it again the other day.

**Ms RATTRAY** - Yes. We do reacquaint ourselves. It has been a while. When was the date of that report now? It was delivered around April or May of this year. Time marches on and after a few interruptions, but we do reacquaint ourselves with the work of the committee. It was a very well-written foreword by a chair who was absolutely 100 per cent invested in that committee inquiry. My experience in this place over a year or two now, is that those who take on these committee inquiry roles as the chair certainly have their heart 100 per cent in them, because it is obviously a matter they are very keen to explore. We always want to present to the government of the day and any future government that the committee has done the work. They have listened to those people that have come and poured out their hearts and called it as it is. They have made some significant suggestions, not only here is the issue, but here is the solution, we see this as the solution. These reports do not deserve to gather dust. I feel sure the minister being a member of this committee until 6 April, will feel that same commitment to it.

I will end with these couple of quotes from the chair's foreword.

After a full consideration of matters raised during the Inquiry, the Committee has made 18 [well-considered] recommendations -

I have added 'well-considered'

... These recommendations include clarity regarding roles and responsibilities, reinstating funding, and reducing gaps in services and supports.

However, this is the real hit-home one:

... It is of concern that if the recommendations in this Report are not acted upon, that the lives of many Tasmanians living with a disability will deteriorate, as their support needs are not met.

I do not want to be responsible for any part of that. Hence I put my hand up to be on this committee, because I felt it was important we, not only as a community, but also as members of this parliament, do what we can to support some of the most vulnerable people in our communities, that absolutely deserve the services. Also, however, the state of Tasmania puts in a considerable amount of money into the NDIS scheme delivery and the NDIA. We need to know we are getting value for money, but we are also supporting the people who it was meant to be for.

We are protecting the interests of those people. We want them to have the best life possible in this wonderful state. We know we live in the best state. They can talk all they like about how warm the weather is up north, but I know where the best state is.

Mr President, that is my offering, at this point in time. I look forward to any other contributions that members might like to make, perhaps those who have had a chance to read even the findings and the recommendations. Can I give some advice to the member for Pembroke? There you go: two pages. When you see a report, particularly one that might be 500 pages long. This one is not. This one is 127, not counting the minutes of the meeting.

**Ms Forrest** - Quality, not quantity.

**Ms RATTRAY** - That is right. .

I will leave that as my offering at this point in time, Mr President, and encourage others to read the report. I congratulate all members of the committee for their effort in putting together this report on the inquiry into Disability Services in Tasmania.

**Ms Forrest** - You might remember that it started with Committee A.

[3.51 p.m.]

**Mr WILLIE** (Elwick) - Mr President, I move -

That the debate stands adjourned.

This is in order to deal with a sessional standing order.

**Debate adjourned.**

## **SUSPENSION OF STANDING ORDERS**

### **Extension of Sitting Time**

[3.52 p.m.]

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

That so much of sessional orders relating to the 4.00 p.m. break be suspended, so as to enable the Council to sit beyond 4.00 p.m. for today's sitting.

**Motion agreed to.**

## **MOTION**

### **Consideration and Noting - Report of the Legislative Council Government Administration Committee B - Inquiry into Disability Services in Tasmania**

**Resumed from above.**

[3.53 p.m.]

**Mr WILLIE** (Elwick) - Mr President, I feel like I am the fall guy for that decision.

A short contribution from me, Mr President. This is an important report. It is about fundamental human rights, and the first finding lays that out:

People living with a disability have fundamental human rights as set out under the United Nations Convention on the Rights of a Person with Disabilities.

This is about social and economic participation too. The disability sector is vital for many Tasmanians. We know Tasmania has a higher proportion of people living with a disability - in fact, 140 100 identify as living with a disability. The scale of the issue is outlined in the first few findings where we have 140 100 people living with a disability in Tasmania, yet only 10 900 are participants within the NDIS, and that includes 6000 Tasmanians who are receiving support services for the first time.

There are a lot of people who have a disability and are not receiving the NDIS. The thing that struck me throughout this inquiry, was the equity of access issues across a whole range of areas, whether it be government, or in the NDIS scheme.

Only 1.3 per cent of people living with a disability in rural, remote areas are accessing the NDIS. That is a huge disparity compared to people in urban areas and we heard there are not the services available in a lot of those communities. There are not the economies of scale, there are not the service providers. That probably includes people needing support to apply for the scheme, as well. This is a very important area of government and I hope the report is of use to the minister.

One of the other things that struck me was the continual change in policy. We have the NDIS - and I know we see stories in the media from time to time - but overwhelmingly if you look at the satisfaction surveys it has been life-changing, for not only a lot of Tasmanians but a lot of Australians. They are able to participate in the community, economically and socially, in ways that they probably never dreamed of before the scheme was implemented. We have had this continual policy change, yet there does not appear to be a lot of resourcing around policy and practice across all areas of government, whether it be housing, education, health or

transport. We have had this continual policy change environment but not a lot of staff dedicated to working across government on policy solutions.

The scale of the issue is quite large. It is an important area of government; the state government does have a very strong responsibility to provide services to people living with a disability who are not accessing the NDIS.

The member for McIntyre went through a number of areas in the report, including people over 65 - I think we talked about a constituent - who are not eligible for support. We did make a recommendation on that, as I recall, about lobbying the federal government. There has been a change of federal government and they might be open to some more support in that area. I know the current minister worked extensively on the implementation of the scheme and the design of the scheme in a previous life in government. He is very passionate about it.

There are some other recommendations in the report about clear delineation between the levels of government and also where services stop. I know, from my experience in education, there is some confusion. We have an adjustments model, which is a very good model in principle. There are some implementation issues, where the school takes over and provides the levels of adjustment to provide equity of access when it comes to education. Even in schools there is confusion. Some schools allow NDIS support workers in the school gate to provide services in school time. Other schools say 'No, that is our job now, we have this funding for adjustments and we do that.' That happens even within the school sector. We also heard through the inquiry, that it happens within the hospital system. People getting care at the bedside after they have had an operation, and confusion whether the support worker is there and whether they are going to be paid by the service provider. There is a lot of work to be done on those clear lines of delineation.

The report is there for everyone to read. I had a question from a constituent who came into my office last week. He is an amputee; he is with the Tasmanian Amputee Society and we also heard from them in the inquiry. It goes to recommendations 20 and 28. I told him, we are going to debate this report next week and I thought it would be a good opportunity to ask the Government the question. We heard through the inquiry that in that sector, in particular, the support available is purely done through volunteers. There is no funded organisation to provide support for amputees. We know that nationally, there is an increase in amputations - essentially, there are more and more people in the community living with those adjustments in their life. There is no funded formal and managed peer support program in place for amputees, leaving the responsibility to volunteers.

The question he had was, what data is being shared with some of the organisations that are volunteer-based? How can they get access to more of that data to be able to reach out to people and offer support? There are a lot of people in the community who may not be aware of the support or peer support that is available. Are there privacy issues with that? It seems to be that even through this inquiry the Government would have been observing some of these interactions. The minister was there for some of it but that has not changed at all.

Is it a case where somebody who goes through an amputation operation is provided a list of services and it is up to them to take up that? Or is there an opportunity for some organisations to reach out to people and say, 'Hey, we are here in the community. We understand what you are going through and we are here to offer support with anything you may need.' That is the

question on behalf of my constituent. I thought it was a good opportunity to ask that. He came into my office last week and I will get back to him with the answer if it is provided.

I thought it was a privilege to be able to serve on this committee and meet so many people from the sector, participants, people living with a disability, service providers who are very passionate about what they do.

**Ms Rattray** - They certainly were.

**Mr WILLIE** - A lot of goodwill in the sector as well. A lot of fantastic organisations, some of them developed from families back in the day that had become service providers and now navigating NDIS and all these complex bureaucracies. It was a privilege to be able to meet a lot of people in the community working in this sector or participating in this sector and I hope this report is of some use to government. I will look forward to their response, particularly about some of the issues raised by the member for McIntyre and me.

[4.02 p.m.]

**Ms ARMITAGE** (Launceston) - I will make a few brief remarks, as it has been very well covered by the members for McIntyre and Elwick. Being on Committee B and participating in this inquiry, I certainly came to have a better understanding of how we manage resourcing and funding for people and organisations not eligible for NDIS funding.

For a state of our size, realising there are 140 100 people living with a disability for a state with a population of over 540 000, this represents over a quarter of our population. It follows, therefore, that this is a topic worthy of serious thought, discussion and planning, which is what we endeavoured to do with this inquiry.

Tasmania, being a geographically regional and reasonably isolated place by nature, has a greater number of people with a disability living in rural or remote areas. In fact, one of the findings of the report was that only 1.3 per cent of people who are living with a disability in rural and remote areas of Tasmania participate in the NDIS. A number of barriers preclude these people from accessing NDIS services, including challenges navigating the system, difficulty meeting the necessary criteria, including the ability to obtain a diagnosis and access allied health services and professionals to meet the needs of the participants, amongst a number of other barriers.

It should not be this difficult for people to access support and assistance with disability-related issues as it is for many Tasmanians. As a result of these barriers, many people fall through the gaps and are required to rely on other services, such as those provided by the state rather than federal government services.

Considering the extremely broad range of types of disability and the needs that form a part of living with them, it is not surprising to note that providing assistance is very difficult. Understanding the nature of the needs of the community, however, will help us as lawmakers and the Government to adequately prioritise resourcing, from housing to education and meeting psychosocial needs, prosthetics, mobility aids and access to medical and allied health services. The provision of goods and services to people with disabilities in Tasmania will ultimately have strong positive outcomes for everyone.



In reflecting on the report, the issues raised and the ultimate findings of the recommendations, I note many of the issues that have been brought to me by constituents and which form part of my own understanding of the issue of disability services in Tasmania. Recommendation 17 is one of these.

This recommendation is:

That the Tasmanian Government consult with the transport industry to address the lack of accessibility and availability of transport options throughout Tasmania.

Through this inquiry, I became more aware and conscious of how accessible our town, cities and buildings are to people in wheelchairs or with other mobility issues. Transport, footpaths, elevators, building entrances and exits are all fine for people who are mobile and able to walk around with ease but this is perhaps not always the case for people in scooters or wheelchairs.

A constituent of mine who has a mobility impairment, has told me the difficulty they have in obtaining disability taxis, particularly after hours. The member for McIntyre also mentioned it. This is no slight on the taxi industry either, because they have told me the difficulties they have with managing adequate subsidies or implementing appropriate training and safety measures when dealing with disability equipment.

In a civilised community such as ours and in this day and age, no person in a wheelchair should be excluded from participating in watching the football, attending social functions, school or work because they cannot obtain proper transport. Neither should they have no option but to take themselves around in all sorts of weather because they become stranded somewhere.

This report comprehensively covers many of the issues that are faced by people living with a disability in Tasmania and the barriers they face in accessing adequate support. Programs like the NDIS hold huge benefit to our society as we make it more accommodating of people who just need a helping hand to live their best possible lives. It is up to all of us, but particularly lawmakers, to make sure that we have in place everything that is needed to give people access to as many opportunities for work, education, sport and community as possible.

We are not a society that should ever exclude people because they have different abilities or needs to others. We must properly plan and resource here in Tasmania to provide this type of access to the people who rely on it to live their best possible lives.

This report is an important step in that process and I am pleased that Committee B took this topic as seriously as we did and produced a report that will help guide future decisions we make on these types of issues.

I thank our committee secretariat, Toby, Julie and Allie and our committee chair Jo Siejka, for the outstanding work on this issue. Jo Siejka, in particular, took this issue with deep interest in the matter and a strong desire, as we all do, to help people with a disability to live their best, fullest and most meaningful lives.

It was a real privilege to serve on the committee and I note the report.

[4.07 p.m.]

**Ms PALMER** (Rosevears - Minister for Disability Services) - Thank you very much to all the members of the committee who have made contributions.

I have to agree with some of the comments that have been made by those who have been on this journey, which I was also part of for a little while. It was humbling and at times it was quite emotional to hear from those who gave submissions, and because their hearts were so invested in their work, their emotions spilled out onto us. I give my genuine thanks to the members of the Legislative Council Government Administration Committee B for the work that they did on the Disability Services in Tasmania inquiry.

There are a number of reasons why I have a deep interest in this work and some have been touched on, the fact that I was the Deputy Chair. As the member for McIntyre pointed out, I was in that role until the beginning of April and then the opportunity was given to me by the Premier, Jeremy Rockcliff, to take on this portfolio, which has been a great honour for me. It is an absolute privilege to then be on the other side of this inquiry and have the opportunity to respond on behalf of the Government.

I am also deeply invested in this work because of my own experience having a father with a disability my entire life, with barely any movement from the neck down. The reality of day-to-day living for people with a disability and also for those who care for them, is keenly imprinted on my heart.

I welcome this report and the recommendations made by the committee through this inquiry. The report's findings and recommendations add value to our Government's thinking about investment in and resourcing of disability supports and services across government. Further to the report itself, the process of the inquiry has also been so valuable. I thank all the organisations and the individuals who took time to be involved in this inquiry, because for some of them, it was a huge effort, to put in a submission to their experiences and their points of view in an open and honest way with the committee.

Today, I table the Government's response to Committee B's Report on Disability Services in Tasmania. The response was led by Communities Tasmania, Community and Disability Services, with input from relevant government departments. Of the recommendations made, seven are supported, nine are supported in principle and two are not supported. For those supported in principle, the Tasmanian Government acknowledges that while there is focused work in these areas, more could be done to achieve better outcomes for people with disabilities. For the two recommendations not supported in this response, this is not because we disagree with the findings. The recommendations are not supported because there is further work progressing at a state and federal level. I will spend a few moments looking at these particular two recommendations.

The first one is recommendation 13, which calls on the Tasmanian Government to urgently reinstate core funding for organisations that deliver services outside of the NDIS framework that support people living with disability. The Tasmanian Government agrees with finding 42 of the report that the current model of ILC funding is not a suitable source of funding for the sustainability of numerous small organisations that support the disability sector. However, reinstating the previous model of core funding, as was in place prior to the NDIS, is not the right solution. Up until 30 June 2019, funding for ILC-type services was provided by Communities Tasmania. At 30 June 2019, 18 ILC-type providers were block-funded between

\$1594 and \$495 185 per annum, for a total of \$3 310 809 per annum. From 2020 to date, around \$339 million in ILC funding has been distributed to 496 grant recipients around Australia and investment of around \$16 million in ILC activity has been made available in Tasmania. This is a significant investment in delivery of services for people with disabilities outside of the NDIS system of funded supports and significantly more than what could have been provided by the Tasmanian Government.

However, it is recognised at a state and a federal level, this model of funding ILCs is not the best possible model. To address this, there is significant work underway at the federal level to review the ILC system. The Commonwealth Department of Social Services engaged Swinburne University to review the ILC program and develop a new investment strategy in close consultation with state, territories, the NDIA and people with disabilities. The Swinburne report is on the Department of Social Services' website and proposes a range of solutions to funding design for consideration.

This report will now be considered as part of the review of the NDIS. The terms of reference for the NDIS review are currently being finalised and I am happy to share those with members, once they are released.

Advocating for Tasmania at these federal meetings, I have strongly represented the community's views on the current model of ILC funding and made sure that ILC funding was in scope of the NDIS review. We have recently been advised the Commonwealth government has formally extended the ILC funding to existing ILC funding grant recipients for a further 12 months while that review is being undertaken. The Tasmanian Government will continue to work with the Commonwealth and other states and territories on a model for ILC funding that will support the sustainability of organisations that support the disability sector here in Tasmania.

The second recommendation we have not supported is recommendation 18, which asks for the Tasmanian Government to review the impact of the reduction to the taxi subsidy ensuring no client is disadvantaged. I note the comments from the member for Launceston and the member for McIntyre.

We understand the Tasmanian taxi industry is facing challenges in regard to the accessibility and availability of transport options throughout Tasmania. As Minister for Disability Services, I am well aware of how these challenges are affecting people with disability, who are reliant on taxi transport, particularly for wheelchair-reliant passengers.

These challenges are due to multiple factors and there is a lot of work underway in this area. The Tasmanian Government has already provided a range of supports to the taxi industry including assistance to reduce recruitment and operational costs.

The Minister for Infrastructure and Transport and I have also met with representatives from State Growth to discuss this specific issue. We have asked for advice on potential measures over and above existing incentives to improve current service levels.

At the March 2022 Disability Reform Ministers' Meeting, ministers agreed in principle, to an extension of current arrangements of programs such as the taxi subsidy schemes while longer term reforms are developed. In light of the developments that have happened since the

investigation part of the inquiry and the work that is currently underway, the Tasmanian Government does not support recommendation 13.

For Tasmanians with disability and the sector that supports them, there has been considerable change over the last decade, and there is considerable reform underway now. In 2021, the Tasmanian Government commenced a review of the Disability Services Act 2011, and we will be soon be giving the consultation report to the Office of Parliamentary Counsel to begin work on either amendments, or a new act.

The Tasmanian Government is committed to supporting the rights of people with disability as set out in Australia's Disability Strategy 2021-31 and the United Nations Convention on the Rights of Persons with Disabilities. This commitment seeks to improve the lives of people with disabilities and their families and carers, and provide leadership for a community-wide shift in attitudes. It includes the one in four Tasmanians who report they have disability and is not restricted only to those who are NDIS participants.

Tasmania has shown leadership in supporting this commitment through its Accessible Island, Tasmania's Disability Framework for Action 2018-21 and Tasmanian Government Disability Action Plans.

In most other parts of Australia, commitments are included in disability-related legislation. Until now, inclusion and accessibility have been included in the principles in the DSA, but they have not been in the act's core purpose.

As part of the DSA review consultation process, the Tasmanian Government heard a desire to have legislation with a stronger human right focus that embeds best practice in terms of inclusion, drives action and removes barriers to mainstream supports.

Another avenue for strengthening human rights and transformative equality for Tasmanians with disability is through the creation of a Disability Commissioner. The Tasmanian Government has committed \$1.6 million over four years for the creation of the first Disability Commissioner. The Disability Commissioner will provide a voice for all people with disability in Tasmania, about matters that are important to them and has a broad remit with a focus on inclusion, advocacy and rights.

We are currently advertising for the position of Interim Disability Commissioner, to activate the roles of this important position and to work in scoping out the roles and responsibilities of the full commissioner position.

In addition to these commitments to the disability sector, the Tasmanian Government announced in February 2022 a machinery of government change to better align services to meet the ongoing needs of the Tasmanian community.

Shared capabilities are being realigned to strengthen strategic outcomes for population groups through the establishment of the Community Participation and Priorities Division within the Department of Premier and Cabinet bringing together policy and program delivery for the community and disability sectors. This will take effect in October 2022.

As I touched on before, the federal government has brought forward a review of the NDIS with the terms of reference to be released in the near future.

I will touch on a couple of the matters that were specifically addressed in other members' contributions. First, taking a look at workforce and skills. I know the member for McIntyre mentioned the issue of workforce and its sustainability in the disability sector, which is part of recommendation 16. I will highlight the Tasmanian Government's work in this area. We have provided \$3.3 million over three years towards the strategic priority, workforce development and training to assist meeting the community services industry projections of an additional 4000 jobs by 2024. This funding is provided by State Growth and will be delivered in partnership with TasCOSS and industry.

Workforce is also a priority for the national Disability Reform Ministers' meetings. The NDIS National Workforce Plan is a strategy to build a capable and responsive workforce that supports NDIS participants. There are also a number of initiatives for strategic workforce planning that we have outlined in response to recommendation 15. This includes, the Community Services Industry Plan 2021-31. This is a strategic approach to growing the skills and capacity of community services workers.

The Department of Education, through the Years 9 to 12 Project has developed a vision for vocational learning and vocational education and training to 2030. The department works closely with industry and schools to ensure that training opportunities for young Tasmanians are focused on workforce demand. The department has also recently established new industry advisory groups that are aligned to priority industries, which includes a community service and health industry advisory group with representation from the National Disability Services and TasCOSS.

I note that TasCOSS is holding a workforce coalition network meeting involving representations from all community sectors, including disability. This is to develop solutions and build capacity and capabilities. This will be held on 22 November 2022, in Launceston.

The member for McIntyre also touched on feedback relating to confusion about roles and responsibilities for the delivery of service. There are agreed roles and responsibilities in relation to services delivered by states and territories, known as Applied Principles and Tables of Support, APTOS, for short. These work well to ensure the NDIS does what it needs to, as do the states and territories. However, they can be confusing at times. That is why they will continue to be reviewed as the scheme matures.

I make the point that I participate in the Disability Reform Ministers' meetings. This is a forum which brings together the federal ministers for the NDIS with state and territory ministers, and with our federal minister for the NDIS, the Mr Bill Shorten. We are currently meeting monthly, it is quite a heavy schedule. It is at these forums where we discuss a number of the key issues that have been raised today, including workforce attraction and retention, how to better service thin markets in rural and regional areas and the ILC funding models.

I can assure members that I have advocated strongly for the Tasmanian community at these forums and I will continue to do so. With the knowledge I gained by being part of this inquiry, I have been able to quite clearly state the thoughts of the people of Tasmania who live with disability and those who work in the sector.

The member for Elwick put forward a question in relation to data sharing to better support amputees. This is addressed in the Government's response to recommendation 7. It says:

In regard to data collection, the Department of Health supports in principle efforts to improve data collection surrounding prosthesis and amputations. However, further work is needed around resourcing this work and how current arrangements can be better leveraged to produce meaningful outcomes for the Tasmanian community.

This report has highlighted this area for the Health department and we will continue to progress work on data collection.

Before I conclude, I hope that I have not -

**Mr Willie** - No, it is not just data collection. It is sharing that with volunteer organisations so they can reach out and offer support.

**Ms PALMER** - Before I conclude my comments, I have endeavoured to answer the questions as best that I could today. However, I will take note of questions I have not been able to answer and do my best to get a response for your constituent. If you would like to write to me, that is fine but I am happy to go for it from here.

As I finish my comments today on the Government's response to this inquiry, it is very timely that we have received and considered the Legislative Council's Report on Disability Services in Tasmania at this time. This process gave us a very important opportunity to hear from the organisations and the people who work in this sector and from people with disability themselves.

Once again, I thank the Chair of Committee B, the member for McIntyre, for her oversight of this process and I also acknowledge and sincerely thank the previous member for Pembroke, Ms Jo Siejka, for her work on this inquiry and this report and her passion in this space.

I seek leave to table the Government's response to the Legislative Council's Report on Disability Services in Tasmania.

**Leave granted.**

[4.27 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I was leaving the opportunity for anyone else to hop up before I did. First of all, on behalf of the committee, I acknowledge the contribution by the minister to the report. I particularly thank her for agreeing to 16 of the recommendations and then even though the Government has chosen not to support 18, which relates to the review of the impact of the reduction to the taxi subsidy, in some respects that has been addressed as such. It was for a review. I was not asking for a complete turnaround there but the reduction from \$1000 to \$350 when you are trying to access an appropriate transport option is not a lot of money. We will continue to follow that.

It will be with immense interest that I put my time to the full government response that has been provided and I acknowledge and thank those who have been part of compiling that and for the oversight by the minister. I have a high level of confidence that given the minister does understand some of the complexity, the challenges and has her own lived experience with her dad as a person living with a significant disability, then I have real hope that there can be

some positive outcomes for all Tasmanians. The sheer volume of numbers, one in four of our population in Tasmania who identifies as living with a disability. That is a significant number of people. The member for Hobart reached over and said 'look at that number', and I said 'I am well aware of that number'. It certainly is significant, particularly that statistic of only 1.3 per cent of people living with a disability in rural and remote areas who are participating in the NDIS. Item 9 in the report findings lists those challenges of accessing the NDIS.

I am quite confident that we, as a state, as a community, and just as people who stand here, are fortunate to have not been presented with some of the challenges that some of our fellow community members have. I am very positive about that. I am also very pleased that we have the member for Rosevears, Jo Palmer, as the minister.

I will follow up on some of the comments that were made by my colleagues. It is an important report, and that is absolutely correct - the member for Elwick pointed that out. The member for Launceston talked about a quarter of our population and the fact that we are so spread out across our state. That does present some challenges. The continual change of policy has certainly been a challenge, and the continual review. You expect that, Mr President, with something like the rollout of the NDIS. You expect it to be continually reviewed, because no program ever, in my assessment, gets it right on the first iterations. I look forward to that continual work, and particularly our minister's input into that federal government ministers group - they used to be called COAG but I do not think they are called that anymore, are they?

**Mr Willie** - It is the National Cabinet or something, is it not?

**Ms RATTRAY** - Right. They meet monthly, anyway. We look forward to that.

There is a call for submissions for an acting Disability Commissioner. Once the appointment of a Disability Commissioner is completed, there will be another avenue for a direct focus for the people what we represent.

I have touched on the taxi subsidy. The committee requested a review. The minister has provided some explanation about why that is not supported. I still believe there are some opportunities to continue to work with the taxi industry to have better delivery and better availability of services. If that means there needs to be an increase in the cost of providing that service, then there needs to be a conversation about that.

The ILC funding, extended for a further 12 months - that is fine for those who are already funded. For those who are not funded, that is another 12 months of waiting to see if they can fit within the box or the parameters that have already been put in place. So, there is some level of disappointment on behalf of those groups who do not have any funding, and are providing some of those services purely on a volunteer basis. I understand there needs to be a process for that, and at the very least, those organisations that do have ILC funding will continue to have that funding and that is pleasing.

I wrote down here 'minister deeply invested'. I thank the minister for the commitment that she has given as she stood here, and I will continue to discuss, or work with, or do whatever I can do to support it.

I also acknowledge that both of my colleagues on this committee indicated that it was a privilege to be a member of this committee. I will also state on the public record that has been

a real privilege to be part of this committee work. It was enlightening. I certainly have a deeper understanding of some of the challenges. It was quite moving at times, and I acknowledge all of those people, particularly those volunteer organisations who assembled themselves at the request of the committee to present, and it was difficult at times. They were unfunded or not sure of funding. They were often, as the member for Elwick said, an organisation that was born out of a need from a family member who could have needed some services. They often stay on because they feel they have that knowledge and that understanding, but they also have that empathy with those people who are now taking over an organisation because they also, perhaps, have that same challenge in their family.

That is enough from me today, but I again acknowledge that we have received a response to the report. I believe the former chair, Jo Siejka, former member for Pembroke is listening; she sent me a message and thanked the committee for noting the report. On her behalf, I thank everyone for their time in listening to this contribution today on this very important report and again sincerely thank Jo for her commitment. I know that out of those recommendations, 16 are on the focus of the Government, and I would say, Mr President, that is a mighty fine outcome.

I thank you all and I note the report.

**Report considered and noted.**

## **STATUTORY HOLIDAYS AMENDMENT BILL 2022 (No. 40)**

### **First Reading**

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

## **SUSPENSION OF STANDING ORDERS**

### **Statutory Holidays Amendment Bill 2022 (No. 40) - Pass all Stages**

[4.39 p.m.]

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

That so much of Standing Orders be suspended to allow the bill to pass through its remaining stages at such time as the Council may appoint.

Mr President, I urge members to support this so as to validate the public holiday on the Queen's passing. The bill is most uncontroversial; it is a simple validation bill.

[4.40 p.m.]

**Ms FORREST** (Murchison) - Mr President, we constantly hear in this place how urgent things are and here we are potentially being asked to support the suspension of Standing Orders to pass a fairly straightforward, simple piece of legislation. I do not dispute the Leader in that at all. It has retrospective effect. I understand the rationale behind it, and we will no doubt debate that at another time. It concerns me that we are seeing this so frequently with this Government. We are seeing it at almost every opportunity. There is always another claim of



urgency, another claim of 'we need to deal with this right now.' To date, the only matter I have heard that underpins the urgency, other than it is a fairly straightforward, simple piece of legislation, is the need to ensure people can be paid.

I have read the second reading speech where the information that was provided made it clear that the website was updated. Every action was taken to inform employees of their statutory responsibilities without a statute actually being in place to do so. I do not think there is any doubt about that.

It does bother me enormously that yet again, we are going to effectively suspend Standing Orders to enable a bill to come into this House and be dealt with on the same day. Even worse than that, it is being dealt with on the same date that it was dealt with downstairs. It was tabled downstairs today, and dealt with downstairs today. Now it is here and we are being asked to deal with it today without any time to use proper process to ensure that these procedures are followed and met for the reasons that they are there. We have seen this already demonstrated with the previous legislation, slightly more controversial than this, I will grant.

There are reasons there are processes and steps that we should follow, unless there is a real urgency, like the COVID-19 legislation. That was a real emergency situation. I find myself in a very difficult position here, and I am reluctant to support it because we still have two more sitting days this week.

**Mrs Hiscutt** - While the member is on her feet, Mr President, I am happy to do the third reading tomorrow, in case the member for Murchison decides she needs to address it further tomorrow.

**Ms FORREST** - Mr President, whilst I am on my feet, I will hear if any other members want to speak on this. However, it is a growing concern of mine that we are seeing the seeking of leave to suspend Standing Orders to rush bills through time and again. This is retrospective, everyone knows it has happened. I have deep concern that it will become an almost acceptable process in this place when it really should not be.

[4.43 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I can understand why they wish to get this through in a timely manner. I hear the Leader say that the third reading could be tomorrow. I have a bit of affection for that because if we do it all at once, we do not get the benefit of hearing, or at least reading, what may have transpired downstairs. There may well be significant points that were brought up in debate. The Government carried the numbers and we do not get to be informed by the debate in the other place.

**Mrs Hiscutt** - While the member is on his feet, Mr President, I can confirm to the member that the debate in the other place was very collegial and everybody agreed. There was nothing controversial or questions asked.

**Mr VALENTINE** - That gives me some comfort; but that is the reason why there is always at least the extra day which gives us the opportunity to do that. Knowing that, I feel less uncomfortable, but I am taking that on advice from somebody else rather than reading for myself.

[4.44 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I have some brief comments on this, because I do not disagree with the member for Murchison and the member for Hobart. We do have processes in place that we follow in ordinary times and those processes are there for a reason. The best we can do is where we do have circumstances arise that there may be a desire from the Government to push something through more rapidly, that we assess on a case-by-case basis. That is what do and I do not always support suspension of Standing Orders. In this instance, I do, and hearing what the member for Murchison said about its retrospectively, again I do not disagree.

I have heard anecdotally there are perhaps some employers who would like to see this in legislation before they finalise payments for people who worked on this day or did not work, as the case may be. There was significant confusion, whether or not that confusion was warranted, I will leave aside but there was significant confusion on the public holiday and what people's employment arrangements were. The sooner we can clear that up for people and ensure that people can be paid appropriately the better.

I have had time to have a quick look at the bill. It is very straightforward, so in this instance and only this instance at this stage, I am happy to support the suspension of Standing Orders.

[4.46 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, a brief offering on this, acknowledging the points made by the member for Murchison and I was not at all surprised she rose to put forward her consistent view around the suspension of Standing Orders.

It is something I have addressed my mind to more recently, because the request for this has become more frequent in recent times. I am very much of a mind to follow the member for Rumney in this case, that I will support it at this time; that is not an open licence to request this more regularly. It does appear to be becoming more regular and also, a question on royal assent. Until a bill receives royal assent, it is not law, and again that is not going to happen this week - it might do, I do not know.

A question, does this still give the certainty that employers and employees are looking for on their wages and their entitlements from a public holiday that was sprung on us by another parliament over there? A lot of people were not impressed about a public holiday as a day of mourning. It could have been held on a Sunday but anyway, that is another argument and I expect too late.

I will support it this time but just because it is a very exceptional circumstance. I do not like retrospective legislation.

[4.48 p.m.]

**Ms WEBB** (Nelson) - To put my thoughts on the record also because I agree with the member for Murchison, that it is worth us making the point every time this occurs. It is a pattern, it happens far too often and there is a presumption to it that is unbecoming of this place. I hope we do not see it entrenched as a pattern.

On this particular occasion, I do not have an objection for this particular bill on this one occasion. However, every time this happens, we entrench this pattern and this unseemly rush

is a recipe for poor decisions and outcomes. We rushed through this place significant changes to local government voting, making it compulsory, because it all had to happen in a big rush, right in the middle of the budget. Now for example, we find ourselves in a situation where people with sight impairment cannot actually do secret ballots because the act does not allow for it because we did not take the time. There was no consultation on that; it was forced through here quick as you like and now we are in a situation where we have an act that does not even allow accessible secret voting for people who are sight impaired in Tasmania for this local government election, as an example of why it is wrong to rush things through this place.

In this instance, I am not objecting to this, but I want it firmly put on the record, as other members have done: this is an unacceptable pattern and we will be carefully considering every single time. There should not be too many, I hope, that come back to us to rush things through like this.

**Motion agreed to.**

## **STATEMENT BY LEADER**

### **Member for Pembroke - Welcome**

[4.50 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - This is the first opportunity I have actually remembered to welcome the new member for Pembroke. We are right in eyesight here, so any help you need, I can help you.

## **STATUTORY HOLIDAYS AMENDMENT BILL 2022 (No. 40)**

### **Second Reading**

[4.51 p.m.]

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

That the bill be now read the second time.

Her Majesty Queen Elizabeth II passed away Thursday 8 September 2022. Her Majesty showed great affection for Australia, visiting on many occasions and revealing a nuanced and astute understanding of national affairs. As the first reigning monarch to visit Tasmania, Her Majesty cemented her place in our hearts, always greeting her subjects with characteristic warmth and interest.

Her Majesty was not destined to wear the Crown from birth, but took up the mantle when it passed to her of a life of public service with incredible dignity and fortitude. As a female world leader, Her Majesty provided inspiration and unwavering dedication and a steady hand that gave great comfort to our nation during times of uncertainty. We take this opportunity to honour Her Majesty's life of service, and to reflect upon her legacy.

The Statutory Holidays Amendment Bill 2022 amends the Statutory Holidays Act of 2000 to declare 22 September 2022 a statutory holiday to commemorate the passing of Her Majesty. Like most public holidays, this holiday does not have any restrictions on trading hours.

I note that all jurisdictions provide for the responsible minister to announce new statutory holidays from time to time. However, our act has specific consultation, timing, and parliamentary review requirements that prevented this mechanism being used in time for 22 September.

This bill is therefore required. A statutory holiday is, of course, very relevant to employment arrangements, payment rates, and many other matters and state and territory public holidays are recognised by the Fair Work Act of 2009 and other legislation of the Commonwealth. The Minister for Workplace Safety and Consumer Affairs took time to announce the Government's intention to introduce this bill to give retrospective effect to the holiday, well in advance of 22 September 2022. The minister's department, as a priority, consulted with key employment bodies and swiftly updated its website with information about the new public holiday, to ensure arrangements were clearly understood.

I will conclude by expressing the great sadness with which we mark the event of Her Majesty's passing and honour her deep connection with Australia and its people, and Her Majesty's dedication to duty as the longest reigning British monarch, Australian sovereign, and leader of the Commonwealth of Nations. Our deepest condolences extend to His Majesty King Charles III and His Majesty's family during this sad time.

Mr President, I commend the bill to the Council.

[4.54 p.m.]

**Ms FORREST** (Murchison) - I rise to make some comments on this bill. I note the exceptional circumstances that see this bill being introduced, and that was the death of Her Majesty the Queen, and the sadness brought with that for the people she had sovereignty over. It is an exceptional circumstance in that circumstance. She had been the Queen for 70 years, and we are unlikely, hopefully to have another death of a monarch who has jurisdiction in this country for some time to come. That is the circumstance with which this bill comes to us.

With regard to the bill, I expressed my condolences on the death of the Queen in a previous motion today, so I will not go back to any of that. The question that arose from reading the second reading speech for me - and there are a couple of questions I want to ask in relation to how the bill works and why this particular way was chosen. As we said, in the motion to suspend Standing Orders, this retrospectively approves the statutory holiday.

I know from the consultation with my community and the comments made to me during this period, about the huge impost that it was having on many businesses, on medical practices. I was at my own doctor's surgery the day it was announced, or thereabouts, and people had to keep working during this period - particularly health professionals, teachers, others and all business people had to keep working. My GP told me that a number of his patients who had been waiting some time for medical care in other facilities, had suddenly had their appointments cancelled. Some cancer treatments did go ahead. I was informed by others that

their scheduled treatment did go ahead and that is just as well. These people are on strict regimes where their cancer treatment is trying to keep them alive in some cases.

It created some uncertainty and the sense that I had was enormous frustration amongst the community broadly. There appeared to be this unilateral decision from our Prime Minister to set a date that he would be back from the UK, having attended the funeral. There was no rhyme or reason that anyone could understand other than he wanted to be back in the country, from what I can understand, to have a day, a Thursday, nationally in the middle of the week unrelated to any other event.

I had a discussion with many people and maybe a Sunday would be more appropriate for a day of mourning for Her Majesty. People who wanted to go to church could go to church and express their condolences and their sorrow that way. It could have been in a less disruptive way. I do not know how that decision was made. There was no communication about that, other than that the Prime Minister wanted to be back from the UK. I do not think that was very convincing to people in my electorate, particularly those who had their medical care put off and the impact and uncertainty for business. That was a concern.

I note in the Leader's second reading speech, and I will read from her speech:

I note that all jurisdictions provide the responsible minister to announce new statutory holidays from time to time. However, our act has specific consultation, timing and parliamentary review requirements.

Well, we are rushing through the parliamentary review at an alarming pace. I am interested in the specific consultation that was required and how that was conducted. Normally I imagine a consultation on such an event would be with the people who would be most impacted. I accept again that it was a decision made in another jurisdiction that we have trouble arguing with, I guess, in that regard. I am trying to understand what these specific consultation requirements are - well that is set out in the act - and how that was done.

**Mrs Hiscutt** - For this particular -

**Ms FORREST** - Yes, that is what you said. You said, Leader, there are specific consultation requirements.

**Mrs Hiscutt** - That is in the bill, so you want to know what was done?

**Ms FORREST** - No, that is in the act. That is what this says 'requires' - most likely you could not just do what other states did and have the minister announce we are having another public holiday next week. That would be like every prorogation, every few weeks we have a prorogation so we will have another public holiday. I might sound facetious, but that is what I am saying.

I am interested in that aspect of it because from what I could ascertain from the consultation that I undertook - such as it was - and the feedback that came freely to me in my office was a great sense of discontent, particularly on setting the date. I know that in Victoria there was the public holiday on the Friday for the AFL Grand Final so it made a very nice long weekend for the Victorians. Most of them high-footed it out of the city to have a long weekend, a long, long weekend. I am not sure many of them were doing a particular lot of mourning in

that. That is a personal choice as to how you spend your public holiday, whether it is a national day of mourning or not.

I am interested in why the provision in the act was done. When I read it, I had to read it a few times to make sure I was reading it right. Clauses 4 and 5 in the bill, the first one, clause 4, puts in (ha) which inserts effectively the day of mourning for Her Majesty Queen Elizabeth II and clause 5 then omits it. When you go back to clause 2 and subclause 2, it says section 5 commences on 31 December 2022. Basically, it means that at the end of this year they will expire if you like and no longer be able to be enlivened at a later time.

Clause 6 then says the act is repealed - which is a standard in amendment acts and I understand that - is repealed on 31 December 2023, so why do we need both? I know we want to end it at the end of the year. Why would we not have the act repealing at the end of this year. It is very simple, straightforward, put in a statutory holiday and then rather than do it this way - why the two-stage approach? I find that a bit interesting and probably a bit of overkill in many respects.

Could the Leader explain to me why it was done that way? It seems to be a very circuitous way of doing it. I am not criticising the Office of Parliamentary Counsel, I am asking a genuine question about why you would insert it in clause 4, take it out in clause 5, which commences on 31 December 2022 and then the whole act is repealed in December 2023, a year later. Why would you even leave it on the statute that long if it has absolutely zero effect after 31 December, this year?

I will not be opposing the bill, that would be nonsense because it has already happened. I accept the member for Rumney's comments on the suspension of Standing Orders, that there has been some uncertainty, they want to be sure they are getting paid. I am sure people will get paid, but I want my concern addressed regarding the consultation that is required to occur, who that was with. No-one I spoke to in my electorate had any idea that they had any choice in this. Not that we did, I guess, because it was imposed by the Prime Minister.

[5.03 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I will start, there is some more advice coming.

The member for Murchison asked, why? Everyone clearly understands that the public holiday on Thursday 22 September 2022, is an agreed national one-off holiday to allow Australians the opportunity to pay respect for the passing of Her Majesty Queen Elizabeth II. The holiday occurred, as we know, on 22 September, 2022 and it is not expected to be repeated. The timing was based on the National Memorial Service, which was being held on that day.

Members would be in receipt of a letter from the Attorney-General, dated 21 September 2022, which explains who was consulted. The consultation on the public holiday was undertaken with key stakeholders, the Tasmanian Chamber of Commerce and Industry and Unions Tasmania. These stakeholders told us they had preference for the amendment to occur prior to the public holiday. They indicated if this was not possible, a media release should be put out for the public holiday to give employers and employees clarity on the arrangement.

Time constraints meant the bill was unable to be tabled before 22 September. Because of this, the Attorney-General issued a media release - as our stakeholders requested - on

13 September, which contained information to assist industry to prepare for the public holiday. I have some more information coming.

Section 4 is talking about the configuration of the bill. Section 4 of the Statutory Holidays Act of 2000 sets out the statutory holidays, which are observed as public holidays across all of Tasmania. This bill amends section 4 by adding a single subparagraph to include 22 September 2022 in the list. The commencement clause provides the bill has effect from 11 September 2022, which was the date of the Prime Minister's announcement of the holiday. As the public holiday is not to be recognised in future years, clause 5 of the bill will remove the added subsection on 31 December 2022. This will ensure the act does not continue to contain this paragraph, once it is no longer required. This approach was recommended by OPC, so the holiday is not left on the statute longer than necessary. That is the reason.

**Ms Forrest** - Why do we not just repeal the act, rather than do it that way? That was the question.

**Mrs HISCUTT** - I will seek some advice.

**Ms Forrest** - I understand that.

**Mrs HISCUTT** - If we just repealed the bill, it will still be in the principal act, so we need to take that out of that, because this is an amendment to the principal act. OPC's recommendations, Mr President.

**Bill read the second time.**

## **STATUTORY HOLIDAYS AMENDMENT BILL 2022 (No. 40)**

### **In Committee**

**Clauses 1 and 2 agreed to.**

**Clause 3 agreed to.**

#### **Clause 4**

[5.10 p.m.]

**Mr VALENTINE** - I am going to play the questioner here and hopefully, I will understand a little more. I just missed it a little bit and am thinking to myself, you are changing the act to put the day in and then at the same moment you are pulling it out, so the net effect is it does not exist. It is retrospective, I understand that entirely. Explain to me again, if you might, how this technically works to make the holiday exist at the time that it is needed to for payment to take place and yet the net effect is that it does not exist. I need that explained.

**Mrs HISCUTT** - I will seek some advice on that. I will get some words for you, but having said that, this is the approach that OPC has recommended.

**Mr Valentine** - I understand that, and OPC is a very clever person.

**Mrs HISCUTT** - We understand that, but I did read out before how it works retrospectively, but I will try to find you some more words.

**Mr Valentine** - Maybe I need hearing aids.

**Mrs HISCUTT** - Clause 4 operates from 11 September. Clause 5 only removes the holiday on the 31 December, after the holiday has been recognised.

**Madam CHAIR** - Clause 2.

**Mrs HISCUTT** - If you look at Clause 2.

**Mr Valentine** - Yes, okay thank you.

**Clause 4 agreed to.**

**Clause 5 agreed to.**

**Clause 6 agreed to.**

**Title agreed to as part of the bill.**

**Bill reported without amendment.**

**Third reading made an order of the day for tomorrow.**

## **HOMES TASMANIA BILL 2022 (No. 35)**

### **In Committee**

**Clause 8 agreed to.**

**Clause 9 agreed to.**

### **Clause 10**

[5.15 p.m.]

**Ms WEBB** - To clarify with you Madam Chair, it is appropriate to do the amendments I have on this clause first before asking questions on the Floor? That is correct? Yes. I have three amendments to move in my name on this clause -

**Madam CHAIR** - Do the first one, because they are a bit disconnected. Do them one at a time, but you will get three calls on each amendment.

**Ms WEBB** - Okay, the first amendment, page 28, subclause (2), paragraph (b).

*Leave out "a basic human need".*

*Insert instead "a fundamental human right".*



We have made a change around language to do with rights in other parts of the bill and we had agreement on that. I am not going to speak to it in detail but I will answer any questions if there are any.

**Mrs HISCUTT** - Madam Chair, the bill as it stands currently, recognises housing as a basic human need. This was deliberately worded to recognise the importance of housing in our community and as a principle to guide Homes Tasmania and its work. We have taken advice on the amendments proposed by the member for Nelson and are satisfied that it retains the intent of the current bill. While acknowledging a right does not create one, we are prepared to accept the proposed amendment.

**Amendment agreed to.**

**Ms WEBB** - The second amendment to Clause 10 that I move in my name. It is page 28, subclause (2), paragraph (b), subparagraph (i).

*Leave out* the subparagraph.

*Insert instead* the following subparagraph.

- (i) to persons in need of such assistance and services, with priority being given to those persons most in need of such assistance and services;

A brief explanation on the second amendment. When I first read the version that is in the bill in front of us, where it says that these services are going to be provided 'to the persons most in need of such assistance and services' it concerned me. As a general principle, we provide the services to all those who are in need, not just to those most in need. We know that on a practical level we have residualised these services to those most in need and it is right that we would give some priority. This is a section in which we are talking about principles; and the principle is if people require the service we should provide it to them. This is a slight amendment to wording that expresses that fundamental principle, in the section about principles, but still indicates that there would be some prioritisation, as it does in the current form. Hopefully that is clear to people but if there is a need for further explanation I am happy to provide it.

**Mrs HISCUTT** - The proposed amendment adjusts the current wording to emphasise who the services and assistance are to be provided to. As it retains the critical component of this clause, that the priority remains on those most in need, we consider this retains the intent of the clause, and on that basis we are prepared to accept this amendment.

**Amendment agreed to.**

**Ms WEBB** - The third amendment to this clause, in my name, page 29, paragraph (g).

*Leave out* the paragraph.

I felt this was a problematic inclusion in this section about principles that apply to the bill. I felt it was unclear and needed a great deal of explanation in order to feel comfortable with it. I do not believe that we should have to take note of the long-term, social and economic

requirements of Tasmania and to balance appropriately the things that are outlined there. It is quite unclear how that would be done and the weighting that would be given to various factors. My preference was to remove that part of the clause, rather than try to adjust, or clarify it. That is the discussion that we had with the Government. I am happy to answer further questions if required.

**Mrs HISCUTT** - This amendment removes clause 10(2)(g) in its entirety.

Given that the obligations in this clause are picked up elsewhere in the bill, and the intent is retained, the Government is prepared to accept this amendment.

**Amendment agreed to.**

**Ms WEBB** - I am looking on page 27, clause 10(2)(a). Clause 10(2) says:

In performing a function, or exercising a power, under this Act, Homes Tasmania must also have regard to the following principles:

- (a) that strategic planning and development of land for use primarily for residential purposes, and effective allocation of financial and other resources for those purposes, are necessary to ensure that the purposes of this Act can be achieved;

I am interested in use of the word 'primarily'. How much is primarily - is it half, or a bit, or is it a lot? What are we talking about here, because this is obviously a departure. We are talking about uses that are other than residential. If we are talking about primarily for residential purposes, how much does that need to be involved? That is one question and I will ask some others while I am on my feet because I am only going to have a few calls on this.

**Madam CHAIR** - Before you sit down, I will clarify how many calls you have on the clause as amended. You keep going and I will do some work with the Clerk.

**Ms WEBB** - A further question I have is on page 28 and it relates to 10(2)(d), subparagraphs (i) and (ii). That part of the clause states:

- (d) that it is desirable to encourage, enable and assist in the integration, into existing and new housing communities, of -
  - (i) persons with diverse characteristics and diverse financial, social and personal circumstances; and
  - (ii) residential premises that are owned or leased by such persons who reside in them or that are provided to such persons by way of housing assistance;

Is that pointing to the opportunity for inclusionary zoning? Is that going to be a principle that is quantified in some way in decision-making going forward? Or, is it just a broad and general principle about inclusion and diversity?

That is my next question. I will move onto a further one.

The next question relates to page 28, subclause (2)(e) where it says:

that it is desirable to promote and secure the development and sustainability of Tasmania's housing sector;

I want to understand what sustainability means in this context - is it sustainability in an environmental sense? Is it sustainability in a financial sense? Is it both? Is it something different altogether? They are my questions on that clause.

**Madam CHAIR** - You have one more call after this call.

**Ms WEBB** - I have one call left? Thank you.

**Mrs HISCUTT** - In answer to your first question regarding clause 10(2)(a), it requires discretion to ensure mixed tenure developments. It is not defined as different developments would need to be treated on their merit. For example; some developments would include commercial opportunities, such as child care centres or health facilities.

**Ms WEBB** - While you are on your feet, Leader, I was primarily asking how is that quantified? Was there an answer to that?

**Mrs HISCUTT** - It is not quantified because it requires discretion. Having said that, the word itself is the usual meaning that it has in the Oxford Dictionary, and more to follow.

With regard to 10(2)(d), it is a broad and general provision to ensure mixed communities are considered. It would not rule out inclusionary zoning, but it does not set out how. For (2)10(e), sustainability. It is defined as the ability to be maintained at a certain level. It is intended to focus on a sector that does not have to deplete its resources to maintain its services. Fundamentally, this relates to the financial sustainability of the housing sector.

**Ms WEBB** - It is my last call, so I will get a little clarity on a couple of those. In terms of that 'primarily for residential purposes', this is an interesting one, because primarily, in conjunction with the fact that we have opened up the definition of 'housing provider', it is now going to include for-profit entities. Now we also have a principle that says there can be a bit of housing in there and lots of other commercial things going on. It is potentially quite concerning, what we are now incorporating under the banner of state government-provided housing through this.

It opens up a very different can of worms in terms of for-profit corporate entities here. That disturbs me that we have such broad descriptions for it as 'primarily for residential purposes'. Are we actually just subsidising for-profit corporates to have great big whacking developments, make a bucketload of money out of it and chuck a bit of social housing in around the edges? That is more of a comment than a question. I am expressing a distinct concern there.

In terms of the sustainability matter then, basically, what we are talking about here, where it says, 'that it is desirable to promote and secure the development and sustainability of Tasmania's housing sector', we are basically saying, it is desirable to promote and secure developing the sector within our financial means. Is that essentially what we are saying? Because the sustainability is financial sustainability of government housing provided through this Homes Tasmania entity. It is disappointing. I would have preferred that it meant

'environmentally sustainable'. I also would have preferred that it was about developing the Tasmanian housing sector to the extent that it can meet community need. Probably more a comment than a question. To fully clarify, 'sustainability' means 'financial sustainability' only.

**Mrs HISCUTT** - I am getting some notes for you, but that is not quite true at all. I will clarify that in a moment.

It is the entire sustainability of the sector. So, 'sustainability' is all levels of sustainability, not just financial. It does include the environmental sector, cultural and social sustainability.

**Clause 10 as amended, agreed to.**

**Clause 11 -**

Functions and powers of Homes Tasmania

**Ms WEBB** - I have two amendments on this clause. I will move them separately.

**Clause 11 -**

**First amendment**

Page 30, subclause (1), before paragraph (g).

*Insert the following paragraph:*

- (fa) to consult, as appropriate, with -
  - (i) housing providers, housing support providers, community support providers and people who provide services related to homelessness; and
  - (ii) persons for whom housing, housing support, community support or services related to homelessness are provided or are intended to be provided;

This amendment is to add another element into this list. If we look at clause 11 - clause 11 is Functions and powers of Homes Tasmania and it lists things that are functions of the entity, as it is being sought to be established. I felt that there was a gap in what its functions were that needed to be more explicitly added regarding consultation. Consultation with the range of service providers that are captured by the activities of Homes Tasmania and the people, the service users and people who are community members who would access the services. Essentially the amendment is inserting consultation with those two groups into this list as an explicit function.

**Madam CHAIR** - Before you sit down, member for Nelson, you did perhaps misread the first part, slightly, you said, 'support providers and people,' rather than 'persons.' I want to clarify that you want 'persons,' not 'people'?

**Ms WEBB** - Sorry, 'persons,' yes, my mistake. Would you like me to re-read it?

**Madam CHAIR** - Just read subclause 1.

**Ms WEBB** - Yes,

(fa) to consult, as appropriate, with -

- (i) housing providers, housing support providers, community support providers and persons who provide services related to homelessness; and

**Mrs HISCUTT** - Madam Chair, the proposed amendment seeks to codify what is considered to be a role embedded in the responsibilities of Homes Tasmania. Given this, it does not fundamentally change a function that will be undertaken in any regard or obligate Homes Tasmania beyond what is entirely reasonable and would ordinarily occur and be expected by the sector and the community. Given this, the Government is prepared to accept the amendment as proposed.

**Amendment agreed to.**

**Ms WEBB** - The second amendment to clause 11, in my name, page 30, subclause (1), paragraph (g), after 'provision of housing'.

*Insert ' , housing support services, housing assistance'.*

So (g) as it reads in the bill is:

to conduct research, and develop policy, related to the provision of housing and services related to homelessness;

So, now it would read:

to conduct research, and develop policy, related to the provision of housing, housing support services, housing assistance and services related to homelessness;

It was a more fully expressed range of services and service providers that are covered there.

**Mrs HISCUTT** - Madam Chair, the proposed amendments reflect language used throughout the bill. We consider this already captured in the broader bill. However, as it does not materially change the bill we are prepared to accept that amendment.

**Amendment agreed to.**

**Mr VALENTINE** - I read 11 and I think to myself here we have in subclause (1)(b):

to develop plans for the strategic acquisition and development of land for the purposes of providing housing to eligible persons and persons on low or moderate incomes and to ensure that such plans assist in integrating the

occupants of such housing into the community in which the housing is situated and fostering wellbeing;

Then in (c) it says:

to manage, or facilitate the management of, residential accommodation provided to eligible persons;

It does not say, 'and persons on low or moderate incomes', at that point. I am wondering why there is that distinction because it does raise some concerns in relation to what the member for Nelson was saying earlier and indeed quite a number of sections through the rest of the bill. It raises concerns that third parties that are dealing with land that Homes Tasmania may have provided to them, to deal with, is not only just for eligible persons.

I am interested to know where the tension is there. Why it is not:

to manage, or facilitate the management of, residential accommodation provided to eligible persons and persons on low or moderate incomes?

**Mrs HISCUTT** - Paragraph (c) is about tenancy management for eligible persons, but (a) and (b) are about developments and, therefore, broader.

**Mr VALENTINE** - Under 2(a) in section 11:

In addition to any other powers conferred on Homes Tasmania under this or any other Act, Homes Tasmania has the following powers:

(a) to acquire, hold, dispose of and otherwise deal with property;

In acquiring property, is that only Crown land or can they go out and purchase any property that is on the market? That is the first question, but the second question is, is it compulsory acquisition when they acquire property? Is it a compulsory acquisition that they go through, if they go out to the markets and they see an area of land they wish to turn into housing? They do not have to worry about the zoning, they can change that zoning any time and have it used for residential use. Do they have to compete with the rest of the populous or do they compulsorily acquire land under that 2(a)?

**Mrs HISCUTT** - Madam Chair, as is the case now, it can purchase any property for example, The Waratah Hotel. This clause gives them power to deal with real estate, including on open market and do all things required to manage property as a legal asset and that may include acquisition.

**Mr VALENTINE** - The following question then is that in purchasing property - and I am not suggesting it is The Waratah, but any property - where they develop that land and they have acquired that land, it is not compulsory acquisition? They went through an auction process or an offer process. When they acquire the land, that land can be changed, rezoned. They can then provide that land to a third party, which is a housing provider, who is then able to sell part of that land to someone other than an eligible person. In other words, it can be sold to any member of the public, part thereof, without having gone through the proper planning process. Is that correct?

**Mrs HISCUTT** - I am seeking advice but no, all developments must go through a council DA development application process. You cannot just do it. People still have a say.

**Mr VALENTINE** - They can rezone.

**Mrs HISCUTT** - As long as the commissioner is agreeable. It still has to go through a process. It has to go through a process whereby there is public input or submissions are asked for. You still have to go through the process. Even if it is a rezoning, it goes through the commissioner. If it gets that far, if the council does not agree or does agree, or whatever.

**Mr VALENTINE** - I do not have another call but I thought, through you Madam Chair -

**Mrs HISCUTT** - I am happy to stand on my feet.

**Madam CHAIR** - This might get a tiny bit of leeway.

**Mr VALENTINE** - Just a little bit of leeway. Previous changes to the act allowed the Director of Housing to change the zoning of the land and use it for the purposes of housing. Are you telling me that is not the case with land that is purchased? Not Crown land. Land that is purchased on the open market. That they cannot change the zoning?

**Mrs HISCUTT** - I will seek some clarification so that the words are right.

**Mr VALENTINE** - Thank you, Madam Chair.

**Mrs HISCUTT** - The Housing Land Supply Act is the one you are talking about.

**Mr VALENTINE** - Yes.

**Mrs HISCUTT** - It is not under this bill. The Housing Land Supply Act allows rezoning subject to parliament and still needs to go through council DA process. All powers in this bill for Homes Tasmania are tied back to Clause 10. It is important to note the powers of Homes Tasmania are constrained by Clause 10. Application of purposes of the act and housing principles. This ensures powers are exercised in accordance with the purposes for which the authority has been established.

[5.45 p.m.]

**Ms RATTRAY** - A question in relation to, or following on from the member for Hobart, it says in (2)(h) that it is in the functions and powers of Homes Tasmania:

- (h) to do all things necessary or convenient to be done in connection with, or incidental to, the performance and exercise of its functions and powers.

Then it also says in:

- (g) to do all other things that it is authorised to do by or under this or any other Act.

Does that include the Housing Land Supply Act? Because it is saying any other act. That appears to me to be a very powerful instrument for any authority to do. Particularly for Homes Tasmania. I need some understanding of why something is put in there like that. It appears to me they can do anything they like. Because on top of that, in the next clause, they can delegate, by writing to anybody to do all of that.

First of all, we set up, this bill sets up, the functions and powers of Home Tasmania, and they are significant powers. When you read those 16 functions and then you can delegate. I need to have some understanding of why that is necessary:

to do all things necessary or convenient to be done in connection with, or incidental to, the performance and exercise of its functions and powers.

That is under this act, or any other act.

It does not help, Madam Chair, that I do not necessarily support this establishment of this organisation, but this is powerful.

**Mrs HISCUTT** - To start with, subclause (2) specifically confers a range of powers that will enable Homes Tasmania to continue the work currently undertaking by Housing Tasmania, and to undertake the work necessary to deliver new homes and innovative housing solutions and programs. It is important to come back to this next statement, which says it is important the powers of Homes Tasmania are constrained by clause 10, which is the application of purpose of the act, and housing principles. This ensures the powers are exercised in accordance with the authority that has been established.

(2)(g) is necessary legal structure to ensure that other legislation is complied with. They have to work within the law.

(2)(h) is a catch-all clause. It is not "anything", it is limited to the performance and exercise of its functions and powers, which is set out clearly in clause 10.

**Ms RATTRAY** - I thank the Leader for pointing that out, because when you go back to clause 10 and (2)(c), it says:

that it is desirable to provide different housing options to address the differing needs and wishes of persons;

It does not say eligible persons. It says persons. They can do whatever they like. It seems to me to be extremely broad powers and functions.

I understand, Madam Chair, the challenges around housing in Tasmania. I understand completely. One of those members knocking on the door, saw me at the supermarket the other day. 'Do you have a house for me yet?' I said, 'I am sorry Rob, I do not. I do not have a house for you'. He said, 'What am I going to do?'. I know the challenges. This appears to be a very broad and extensive level of power. I am not convinced it needs to be - and the question needs to be asked - is this a take directly out of the current act, which Housing Tasmania works under? Can we have some understanding of that.



**Mrs HISCUTT** - Seeking some advice. It is newly drafted and it is not a carry over, that the powers that relate to eligible persons are in other subclauses of 10. As for example, 10(2)(c) is to ensure the type of housing is appropriate. If the entity is constrained too much, it cannot meet the housing needs of our vulnerable as they change over time. Flexibility is important.

**Ms WEBB** - A couple of clarifying questions relating to a couple of matters in this clause. I am looking at Clause 11 (1)(a) where it says, as one of functions:

to support, and fund, the provision of appropriate, affordable and safe accommodation to eligible persons, and persons on low or moderate incomes, in the short, medium and long term.

I cannot recall now where we got to when we were discussing this bill last time around and a definition of 'affordable' that I was asking for. As my memory is failing me on it, if we have not answered that, could we perhaps answer it now and get it onto the record?

I am also wanting to clarify in that same (1)(a) in terms of provision of appropriate housing. I am imagining 'appropriate' means to match the family type, say, the bedrooms required. I am interested in the words 'and safe accommodation', that we have some clarity on what the meaning of that is here in this clause. Does it just mean to lock the door? What bar are we holding ourselves to meet in relation to 'safe' accommodation. That is one little cluster of questions around (1)(a). I am going to add a further question on page 31. I am looking at Clause 11 (2)(f) which is, as one of the following powers that are in (2):

to engage consultants and provide consultancy services;

With the provision of consultancy services by Homes Tasmania, what is the intention there of including that as a power of this entity? To whom will consultancy services be provided? Will Homes Tasmania be providing consultancy services on a fee-for-service basis? If so, to what end will those fees that are collected for those consultancy services be reintegrated into the Homes Tasmania budget for then further use in other service areas? How much of the time and attention and staffing and resources of Homes Tasmania will be devoted to providing consultancy services? Perhaps, on a fee-for-service basis? I want some clarity on the intention of that in (2)(f).

**Mrs HISCUTT** - To the first question, what is affordable housing? Affordable housing is housing appropriate for the needs of a range of very low to moderate income households and priced so these households are also able to meet other basic living costs, such as food, clothing, transport, medical care and education. As a rule of thumb, housing is usually considered affordable if it costs less than 30 per cent of the gross household income.

**Ms WEBB** - Thank you, I appreciate that being put on the record.

**Mrs HISCUTT** - Safe generally relates to the risk factors for a household. For example, it may include additional security and fencing for people escaping family violence, such as Family Violence Rapid Rehousing. It is intended to be a broad application of the word 'safe,' as what fits needs. We were talking about consultancy services - they may be advice given to local government or other bodies that seek professional advice on housing needs or responses. Whether any service could be charged for, may depend on the basis upon which the advice is

given. All revenue is to be returned into Homes Tasmania budget to support the provision of housing and services.

**Ms WEBB** - For clarity, to what extent are we expecting to be revenue raising through consultancy services to supplement the budget for Homes Tasmania, as provided for here? It is an interesting situation to set up. Also, in terms of providing advice or policy support to local government, is that something that already happens now? I imagine so, in discussions between the current Housing Tasmania in the department, and local government. Are we also talking about consultancy services to non-government entities, maybe for-profit corporations or businesses or to outside entities that are not a level or tier of government?

**Mrs HISCUTT** - I will seek some further advice. With regards to the consultancy, it is certainly not the purpose to make money out of consultancy, it allows for the power to be there if needed. They will be engaging with other entities as and when appropriate.

[5.57 p.m.]

**Ms RATTRAY** - I am interested in how the consultant and the consultancy services work with the skills-based board? They will have some expertise, and I am wondering about the interaction between what Homes Tasmania does and the advice that will be provided by the board, who will have an enormous level of skills in this area. How will those two interact?

**Mrs HISCUTT** - Consultants and boards are two different things. When they get the information from the consultants that they have asked for, the board will then make the decisions on where they will go. They will use the information from the consultants for the board to make their decisions. Is that what you are asking?

**Ms RATTRAY** - No. You said that Homes Tasmania are going to be providing the consultancy. I asked about how it is going to work with the skills-based board that you have in place, and then you have the consultancy coming from Homes Tasmania?

**Mrs HISCUTT** - I will seek some advice on that one. Actually, there is a little bit of information to provide on this answer. We might sit on that answer for the night, and I will seek leave to report progress.

**Madam CHAIR** - We cannot do that while we have some questions before the Chair. The Leader moves that we report progress and seeks leave to sit again.

**Leave granted.**

**Progress reported; Committee to sit again.**

## **ADJOURNMENT**

[6.01 p.m.]

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

That at its rising the Council does adjourn until 11 a.m. Thursday  
28 September 2022.

**Motion agreed to.**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, before I adjourn the Council, I remind members of our Climate Change (State Action) Amendment Bill briefing tomorrow morning at 10 a.m. in Committee Room 2.

Mr President, I move -

That the Council do now adjourn.

### **Tasmania Police - Surveillance Practices**

[6.02 p.m.]

**Ms WEBB** (Nelson) - Mr President, I rise on adjournment to raise a serious current issue relating to public confidence in the surveillance practices of the Tasmania Police and the administration of justice in this state. The matter concerns the actions of Tasmania Police whilst undertaking an investigation into solicitor Jeffrey Thompson, who at the time of being charged with pervert the course of justice offences in August 2017, was working on matters related to the Sue Neill-Fraser case. The actions taken by Tasmania Police in the surveillance operation relating to this matter have been identified as illegal, and have significant implications in relation to breach of privacy and legal professional privilege.

Further, they are apparently an example of systemic failures and a lack of compliance over time; have not yet been investigated; nor has an appropriately independent and comprehensive form of investigation been proposed by the Government. This situation is entirely unsatisfactory, and jeopardises public confidence in the administration of justice in this state.

On 16 June 2017 police utilised a warrant under the Police Powers (Surveillance Devices) Act 2006, issued by a magistrate, to tape a meeting in a visitors meeting room at the Risdon Prison between Mr Thompson and a potential witness. On 8 August 2017, Mr Thompson's home was the subject of a search warrant, and on 16 August 2017 he had charges laid against him.

Five years later, on 8 August 2022, after various court proceedings, the DPP decided not to pursue the charges against Mr Thompson. After the Crown announced that it was not proceeding, Justice Brett, Supreme Court of Tasmania, released a decision on 25 August 2022. His Honour found that the warrant was invalid on its face due to a serious defect. The outcome of the decision was that it came to light that Tasmania Police had a listening device and an optical surveillance device running in the visitors room of the Risdon Prison from 15 June to 17 August 2017. In that period of just over two months, the room was used by numerous people, including members of the legal profession meeting with their incarcerated clients. This is a shocking invasion of privacy, particularly when one considers the breach of legal professional privilege. However, we must also ask, is the Jeff Thompson matter just the tip of the iceberg?

We recognise the necessity of treating state surveillance of citizens with the utmost rigour and accountability. The second reading speech for the Listening Devices Bill 1990 stated:

It is the Government's view that electronic surveillance is the greatest of all invasions of privacy.

It was further stated:

It is the Government's strong view that the practice of surveillance is incompatible with freedom of expression, freedom of thought and the important principles to which a free society must adhere.

Add to this the importance of respecting and enforcing legal professional privilege and there is no room for complacency. Understandably, there have been several calls for an inquiry into the Jeff Thompson surveillance matter, including by local lawyers and their representative bodies. The matter has received local and national media attention, including in legal circles. It is readily apparent that a comprehensive, independent inquiry is the only way we can, with confidence, obtain answers to the myriad questions that arise on this matter.

While I have pages of questions relating to this matter, I will mention here just a few. How was a warrant issued without a proper consideration of the extent to which the privacy of any person, including lawyers and their clients, was likely to be affected? How can such a serious violation of privacy and legal professional privilege have been allowed to occur over a two-month period? Was the protected information obtained under this operation kept secure and was there compliance in this regard with the Police Powers (Surveillance Devices) Act?

Was the information quarantined when it was realised that conversations outside the scope of the warrant had been recorded and possibly monitored? Was the Tasmanian Ombudsman, as the inspection entity, notified of the breach? When did the Crown become aware of the invalidity of the warrant?

What are Tasmania Police procedures related to such matters and why are they totally absent from the 477-page publicly available Tasmania Police Manual? Why was the warrant not discontinued as required under section 16 of the act when it became apparent the warrant was no longer necessary?

As required under section 29 of the act, was a report made to the issuing magistrate within the time stated in the warrant about the period during which the device was used and the names, if known, of any person whose conversations or activities were overheard, recorded, monitored, listened to or observed by the use of the device?

This matter requires our urgent attention. Of great concern is the fact that as devices were left running for over two months at Risdon Prison, the material being monitored could be watched in real time by investigators on a computer in a room which was apparently only protected by a passcode. There were said to be at least five investigators in that investigation team. There were another five persons in a technical services unit.

I am highly concerned that this illegal surveillance activity and breach of privacy only came to light five years after it occurred. It did not come to light through legislated reporting and accountability mechanisms but through a protracted legal proceeding against an individual, which was later dropped by the state but not before inflicting much damage on that individual.

What confidence can this Chamber and the Tasmanian people have that similar warrants have not been authorised for use in prison visitor rooms previously or since this operation?

Justice Brett commented in his decision this year:

The evidence which was presented fell far short of satisfying me that police had any significant insight into these problems and their importance, nor that anything has been done since to address similar situations. ... There has been nothing presented to me in this case which would indicate that this or any other consideration has resulted in a more rigorous and careful approach to the protection of privileged conversations during covert investigations than that which took place in this case.

We simply cannot allow these comments to fall on deaf ears or be brushed aside with a 'nothing to see here' attitude. We must examine and question how effective are the accountability and oversight mechanisms that apply in Tasmania. How effective have been the annual inspections and reports by the Ombudsman's Office into the use of surveillance devices? The reports are extremely brief and compare unfavourably to similar interstate reports.

How effective have been the reports by the Commissioner of Police to the relevant ministers? They too appear bereft of useful detail. Perhaps it is time for more targeted and specific accountability mechanisms to be considered here in Tasmania, such as the Public Interest Monitor or Surveillance Devices Commissioner, as in NSW, Victoria and Queensland. Or the requirement for authorisation for a warrant to be from a senior officer, as in other states.

Since this matter came to light last month, Commissioner Hine has stated that this was a technical breach of the legislation. I put it to you that this was far more than a technical breach. It involved the violation of a fundamental right to privacy of an unknown number of persons, including the recording of legally privileged conversations. I note that Commissioner Hine stated he welcomed an independent examination of the matter and welcomed any opportunity to ensure the transparency and accountability of Tasmania Police. On 31 August 2022, Commissioner Hine announced, that there would be an independent review by former solicitor-general, Michael O'Farrell SC to:

Ensure that appropriate processes have been followed.

This is Tasmania Police commissioning its own review of identified illegal activities and failures of process. On the face of it, this is highly unsatisfactory. Who will determine and what would be the terms of reference of this proposed review? What public visibility and transparency will be attached to this proposed review? What formal powers will Mr O'Farrell have by which to acquire necessary documents, recordings and the like? Or will Mr O'Farrell only get access to materials Tasmania Police choose to provide to him?

I also believe there is a question of perceived conflict of interest in relation to this Tasmania Police-commissioned proposed review.

In 2017, at the time of this gross breach of privacy by Tasmania Police, Mr O'Farrell was the Tasmanian Solicitor-General. In that role, he was advising government agencies, such as Tasmania Police. In fact, around that time, Mr O'Farrell made his positive views on the capacity and processes of Tasmania Police quite clear. Shortly after a meeting at which Robert Richter personally presented a confidential investigation dossier, relating to the Susan Neill-Fraser case, to the then premier and the then acting attorney-general and then solicitor-general, Mr O'Farrell, Mr O'Farrell sent a letter, dated 16 May 2017, to psychologist and filmmaker, Eve Ash, stating that:

Any suggestion that Tasmania Police are somehow incapable of investigating matters of this nature is entirely rejected. The state has every confidence in Tasmania Police and its ability to investigate the matters raised in the report.

It was less than one month later that the warrant to bug Thompson in Risdon Prison was sought by police and the two months surveillance occurred. Given this, we cannot avoid the perception of a conflict of interest in the proposed review by Mr O'Farrell which renders this an inappropriate option for a credible inquiry.

I call for Mr O'Farrell to step aside now from the inappropriate Tasmania Police-commissioned review in the interests of confidence in the administration of justice in this state. In making this call, I intend no reflection on Mr O'Farrell personally or professionally, but make it rather on the basis of the inescapable perception of a conflict of interest and the impossibility that it can be seen as appropriately independent in the eyes of the Tasmanian public or of this parliament.

We have now seen a broader context of failings by the Tasmania Police come to light, courtesy of the Commonwealth Ombudsman. Recent reports from the Commonwealth Ombudsman alert us to concerning transgressions by Tasmania Police in relation to stored communications and telecommunications data which include emails, text messages, images and metadata. Tasmania has been singled out as a case study for poor compliance culture in Commonwealth Ombudsman's reports and has punched well above its weight when it comes to receiving adverse comment and recommendations for reform. I refer members of this House to the article on this topic, published yesterday, by the CEO of Civil Liberties Australia which you will find on that organisation's website.

We also have to ask ourselves, where is the Attorney-General in all this mess? Her role as first law officer with primary responsibility for the administration of justice in this state, not to mention that she is responsible for administering the relevant legislation in this matter, places responsibility for an appropriate response from the state Government squarely on her shoulders. Why is the Attorney-General not guaranteeing accountability and establishing a truly independent inquiry into the use of electronic surveillance by police in Tasmania?

For that matter, why has the Police minister not taken necessary steps in the interest of transparency and accountability to ensure an appropriate arms-length investigation or review?

We are left with only one credible and appropriate option to restore public confidence. An independent inquiry commissioned by the Government to be undertaken genuinely at arm's length and with an appropriately terms of reference to fully address the scope of this issue.

A commission of inquiry would be the most appropriate model for this work, as it would have sufficient powers to investigate, including calling for documents and holding hearings. However, given one commission of inquiry already in progress in this state, I anticipate there would be reluctance from the Government to establish a second. However, this should not mean that we turn a blind eye or provide an unacceptably lesser response to this identified illegal practice and evidence of systemic failures within Tasmania Police.

Another appropriate option available to the Government is to establish an inquiry to be undertaken by someone such as a respected retired interstate judge who has no connection with

Tasmania and with no pre-existing connections to Tasmania Police or the Jeff Thompson or the Sue Neill-Fraser matters.

In the absence of a commission of inquiry, this is the only option that will serve to deliver full confidence to the Tasmanian people that the identified systemic illegal practices of Tasmania Police are thoroughly investigated and the legislative basis and reporting accountability mechanisms are examined.

To assist the Government, I propose the following terms of reference for a comprehensive and genuinely independent inquiry. They being:

To inquire into the practice of Tasmania Police in:

- (a) seeking warrants for the use of covert surveillance under the Listening Devices Act 1991 and the Police Powers Surveillance Devices Act 2006;
- (b) the acts executing such warrants;
- (c) internal police oversight of the seeking and execution of such warrants;
- (d) compliance with reporting mechanisms under the acts and other oversight mechanisms.

In particular, without limiting the scope of the inquiry, what the Tasmanian Government should do to:

- (1) Better protect confidentiality, privacy and privileges recognised in section 10 of the Evidence Act 2001.
- (2) Achieve best practice in the seeking and execution of such warrants and oversight of the same.
- (3) Eliminate or reduce conflict and duplication between statutory provision under different acts of parliament governing the use of covert surveillance methods, in particular, by the repeal of existing acts and the enactment of single act of parliament.
- (4) Investigate the enactment of specific statutory mechanisms to require notification to members of the public without being the subject of improper or illegal covert surveillance methods and recourse for the same. Inquiry is directed to make any recommendations arising out of its inquiry process that it considers appropriate including recommendations about any policy, legislative, administrative or structural reforms.

Mr President, any inquiry term of reference which falls short in its scope of what I have outlined here, will be insufficient and risks the perception of compromised accountability. As a matter of urgency, a truly independent inquiry must be established into electronic surveillance by Tasmania Police to ensure ongoing trust and confidence in the Tasmania Police and the administration of justice in this state.

Mr President, my thanks to members for their attention on this matter and I await a response from the Government.

**The Council adjourned at 6.18 p.m.**