PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 29 September 2022

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Contents

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The Speaker, **Mr Shelton**, took the Chair at 10 a.m., acknowledged the Traditional People, and read Prayers.

QUESTIONS

Proposed Stadium Development - Impact on Cenotaph

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.02 a.m.]

What impact will the construction of your $750 million stadium in Hobart have on the Cenotaph?

ANSWER

Mr Speaker, I thank the member for her question. All stakeholders, including the RSL, will be supported and consulted on the proposed design of the new stadium and the creation of an arts, culture and entertainment precinct. This is a huge opportunity for Tasmania and for Macquarie Point, where there will be some 4200 jobs in construction, $300 million a year of economic activity and 950 jobs once completed in construction, generating $85 million a year.

It is a huge opportunity not only for southern Tasmania but for all Tasmanians, and with that the nineteenth AFL licence, which has been fought for for some 30 years in this state. We are on the cusp of achieving our own Tasmanian team, our song, our own colours and truly being part of a national competition, which is historic.

Ms White - Are you going to answer the question?

Mr SPEAKER - Order, Leader of the Opposition.

Mr ROCKLIFF - Those opposite have no vision and no commitment to new infrastructure.

Ms WHITE - Point of order, Mr Speaker, under standing order 45, relevance. I ask you to draw the Premier's attention to the question.

Mr SPEAKER - I thought it was relevant. Premier, I remind you to be relevant to the question.

Mr ROCKLIFF - Mr Speaker, I answered it in my first sentence. There will be many stakeholders engaged in a design process and a planning process around the entire Macquarie Point precinct. Our commitment to a reconciliation park is an example of that, bringing together all stakeholders - Tasmanian Aboriginal people, the Returned and Services League -

Opposition members interjecting.

Mr SPEAKER - Order. Members of the Opposition but particularly the Opposition Leader, you have asked the question. This is the third time you have interjected on the Premier. Please do not interject on the Premier. You have asked the question and he should be allowed to answer the question in silence.

Mr ROCKLIFF - I am committed to this project and to seeing it come to fruition because I know what it can be and do for not only southern Tasmania but for all Tasmanians.

I recognise that you are playing the short-term politics, as you always do, once again going against new infrastructure, new investment. It aligns with your opposition to key reforms: housing reform, education reform, health reform, and vocational education and training reform - always against new ideas, new infrastructure and new ways of taking Tasmania forward. You lot would take Tasmania backwards, back to the dark old days of 2010 to 2014 where 10 000 people lost their jobs.

Mr Winter - What about the Cenotaph?

Mr SPEAKER - Order.

Mr ROCKLIFF - I know you do not like it, Mr Winter.

Mr WINTER - Point of order, Mr Speaker, under standing order 45, relevance. This is a very short, one sentence question. There is no preamble. The Premier is now completely off topic. I ask you to draw him back to that, please.

Mr SPEAKER - I have already done that. Points of order are not an opportunity to restate the question or to complain about the style of answer. As you know, the Speaker cannot put words into the mouth of whoever is answering the question. I cannot tell the Premier how he should answer a question. He will answer it as he sees fit.

Mr ROCKLIFF - Thank you, Mr Speaker. This is a significant development and there will always be the need to engage with all key stakeholders around design and planning around the precinct. The RSL will be a very important part of that stakeholder engagement.

Proposed Stadium Development - Consultation with the RSL Tasmania

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.07 a.m.]
Members of the RSL are very concerned with your lack of real consultation in relation to the future of the Hobart Cenotaph. Have you provided RSL Tasmania a guarantee that there will be no impact on the Cenotaph from your $750 million stadium?

ANSWER

Mr Speaker, of course we will consult with all relevant stakeholders. We just made that very clear. It is part of the planning process.

Ms White - What happens to the Cenotaph?

Mr ROCKLIFF - The Cenotaph is not on Macquarie Point, number one.

Ms White - Will there be an impact?

Mr SPEAKER - Ms White, if you continue to interject I will ask you to leave.

Mr ROCKLIFF - As I said, we will consult. We have announced Macquarie Point as the preferred site for the arts, entertainment, cultural and sports precinct. We will now enter into a period of due diligence and feasibility planning and consultation, as I have indicated.

The Tasmanian Government well understands there may be concerns about the possible impact of the proposed development at Macquarie Point. We are acutely aware of the sensitivities of all key stakeholders and the importance of the place of remembrance. We will engage with RSL Tasmania to ensure any concerns that exist are properly and fully taken into consideration. That is what we do when we have major developments. We ensure that all stakeholders are -

Opposition members interjecting.

Mr SPEAKER - Order, Member for Lyons and the member for Bass. Please, just because I asked your Leader to stop interjecting, it does not mean you can ramp up your interjections.

Mr ROCKLIFF - There is a lot of water to go under the bridge yet, but I am very committed to this project and to transforming Macquarie Point into a hive of economic activity and opportunity for many Tasmanians - 4200 jobs in construction. That will sit very well, when a large project as we are currently engaged with - and of course your government failed to lay a single brick - and that is the Bridgewater bridge, due for completion at the end of 2025. Then there will be a ripe opportunity to further that investment by creating jobs and infrastructure investment. That precinct and the stadium will then form part of another jobs bonanza and infrastructure developments and will align very well with the completion of the Bridgewater bridge project.

I am excited by it. You can shake your head all you like, Leader of the Opposition, when it comes to your short-term politics. I look forward to the backflip that you lot will have to do in the not too distant future.

Black Hydrogen Operation - Bell Bay

Ms O'CONNOR question to PREMIER, Mr ROCKLIFF

[10.11 a.m.]

The science is clear: the proposed coal mine at Fingal feeding a black hydrogen operation at Bell Bay would be a climate disaster. It also poses an economic threat and endangers the national and international reputation of Tasmania's prospective green hydrogen industry, for which countries like Germany are a ready-made market.

Do you agree that if it goes ahead, this mine will be a heavy hit to our island's hard-won clean green and climate-positive brand - the brand so many primary producers, tourism

operators, hospitality venues and other small businesses rely on? Do you also agree this black hydrogen plan would undermine our competitive advantage in a green hydrogen future? Will you do anything and everything in your power to stop this project going ahead?

ANSWER

Mr Speaker, I thank the member for her question. Our Government has an ambitious plan to grow our Tasmanian economy, and to create more jobs with the development of a world-class green hydrogen sector. Our green hydrogen vision, set out in our Tasmanian Renewable Hydrogen Action Plan, is for Tasmania to be a global leader in large-scale green hydrogen production by 2030.

Green hydrogen provides a critical enabler in Australia's energy transition to a cleaner and more sustainable future. Tasmania - Australia's leading renewable energy state - has significant competitive advantages to offer industry and the world. We are already 100 per cent self-sufficient in renewable electricity, and have legislated a world-leading target to double our renewable generation to 200 per cent of our current needs by 2040. We are delivering on our plan to establish a viable large-scale green hydrogen industry in Tasmania based on four key areas:

(1) exploring opportunities for using locally produced green hydrogen in Tasmania and for exports;

(2) providing financial support for green hydrogen projects and continuing investment attraction activities with international trade partners;

(3) ensuring a robust and supportive regulatory framework and assessing supporting infrastructure; and

(4) building community and industry awareness, developing skills and supporting research and education.

Ms O'Connor - No place for coal in there. That is not a coal vision.

Mr ROCKLIFF - To your question, Ms O'Connor, I am aware of reports of a proposed clean hydrogen project from coal mined in the Fingal Valley -

Dr Woodruff - It is not clean. There is nothing clean about coal.

Mr SPEAKER - Order.

Mr ROCKLIFF - Tasmania's nation-leading climate target of net zero emissions or lower from 2030, and our renewable energy targets - including our target to be a significant producer of hydrogen by 2030 - is generating great interest.

Our vision is for green hydrogen, and that is what we are pursuing. We do not support mining developments on productive agricultural land, where it is not in the state's best interest - a position agreed to by both Houses during the debate in 2019. I remind the House of that. We have very robust and rigorous legislation for the environmental assessment of any proposed development.

I remind members that the previous government granted a mining lease to HardRock Coal Mining in 2013 for category 2 minerals and coal in the Fingal Valley. Since the granting of the lease, I can inform members that no mining of coal has occurred. It is understood there have been changes within the ownership of the company. The company has an off-take agreement with Paladin, which is planning to use coal for the production of hydrogen. MRT advised that they have not received a revised mining plan since the granting of the lease. The lease expires in August 2023. At that time, the lessee has the opportunity to apply to renew the lease in accordance with the provisions of the Mineral Resources Development Act 1995. In line with standard practice, MRT will undertake a comprehensive assessment of any application prior to making a recommendation to the minister.

I have clearly outlined our commitment as a government to green hydrogen, our investment, and the four pillars of our key plan to ensure we are a global leader in green hydrogen.

Liberal Government's Long-Term Plan

Mr YOUNG question to PREMIER, Mr ROCKLIFF

[10.16 a.m.]

Can you inform the House how the Tasmanian Liberal Government is strengthening Tasmania with a long-term plan that is delivering record investment in essential services such as health, housing and education?

ANSWER

Mr Speaker, I thank Mr Young for his question. Our Tasmanian Liberal Government is committed to strengthening Tasmania's future. My vision for Tasmania is simple: to be a place where everyone feels valued, encouraged, included and supported to be the best they can possibly be. We understand that a strong economy is the enabler to help achieve this vision, to invest in the essential services Tasmanians need to take action on the cost of living and invest in our communities so they are great places to live, work and raise a family.

The policies we have put in place since 2014 have turned Tasmania around and made Tasmania a more prosperous, safer and better place to receive an education and enjoy an enviable lifestyle.

Mr Winter - It is not, it is getting worse.

Mr ROCKLIFF - You can talk the place down all you like, Mr Winter. That is what you do: constantly talk the place down. You lot are out there, constantly telling Tasmanians how bad the place is. We talk the place up because it is a great state.

Gross state product in 2021 grew at the fastest rate in 13 years. Over the past five years, our economic growth outstripped all other states. Since we came to government in 2014, exports have grown by over 70 per cent, with the June 2022 ABS showing record trade of $4.75 billion - which is $2 billion in growth in eight years. Yesterday we saw retail trade in Tasmania grow by 2.2 per cent in August, which was the highest growth rate in the country.

Our long-term plan to strengthen Tasmania's future is enabling us to invest record amounts to grow the economy and grow jobs so we can invest in essential services - health, education and housing. Health has been prioritised by this Government. We have record funding of some $11.2 billion over the next four years. On average, $7.25 million is spent every single day, investing in our health system.

Under your lot, the health budget was 28 per cent of the entire budget. Under us, it is 33 per cent. We have recruited more than 1500 full-time equivalent health staff since July 2020, and we will spend $475 million over 10 years on digital health infrastructure. In elective surgery we have invested $196.4 million in a clinician-led patient-focused plan, and health waiting lists are coming down. You do not acknowledge it but they are coming down. We also have a $1.5 billion health infrastructure pipeline to deliver better facilities across the state because we believe in investing in new infrastructure.

Education has been prioritised by this Government and we have increased teacher numbers by 435 full-time equivalents since 2014 under our Government. All government high schools have extended to years 11 and 12, which those opposite continually opposed. We have put a record $8.5 billion over four years into education, including $250 million in infrastructure investment for new and upgraded schools, as well as more than $100 million to transform TasTAFE with an extra 100 teachers.

Housing is being prioritised by this Government not only with investment but also reform, which those opposite opposed. Tasmania has the highest expenditure of all states for housing and homelessness.

Police and community safety is being prioritised. Under this Government there are 329 additional police officers - up by 31 per cent by 2026 - with the force having its highest-ever establishment of 1368 members.

Having a strong economy allows you to have hay in the barn for a rainy day. That is why when the going gets tough, the Government has been able to invest to help people tackle the cost-of-living pressures -

Dr Woodruff interjecting.

Mr SPEAKER - Order, member for Franklin, you have already been warned.

Mr ROCKLIFF - which is why we are able to support people throughout the pandemic, keeping people safe and engaged in work. It is why we can invest some $17 million for power price relief for our bill buster payments, and $5 million in additional support this year for supporting organisations to support vulnerable Tasmanians. We have announced $1 million to Aurora Energy for its hardship program. We have provided a $305 million investment in concessions to help vulnerable Tasmanians with day-to-day living expenses.

We have also extended the First Home Owners Grant, reduced land tax and extended the payroll tax scheme to get more young people into work. We have increased funding for emergency food relief. We have doubled the value of the Ticket to Play sports voucher. We are delivering the lowest third-party car insurance premiums in the nation and introduced quarterly car registration payments to help manage the household budget. Throughout the

pandemic we have delivered the largest social and economic support package per capita in the country.

Let us not forget the state of Tasmania in 2014, left to us under the Labor-Greens Government when 10 000 people were sent to the dole queues; where you sacked a nurse a day for nine months; where you closed wards and put hospital beds in storage. Tasmanians still remember that time, and I am going to remind you of that time as well.

Our record speaks for itself. Our Government is delivering on our community commitments and investing in services that matter to Tasmanians.

Proposed Stadium Development - Impact on Cenotaph

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.23 a.m.]

Will you rule out needing to move the Cenotaph in order to build your $750 million stadium in Hobart?

ANSWER

Mr Speaker, we have no intention to move the Cenotaph. We can rule that out. We will be engaging with -

Members interjecting

Mr SPEAKER - Order.

Mr ROCKLIFF - We are mindful of all stakeholders involved in this very large significant investment for southern Tasmania. I do not like those opposite telling Tasmanians we cannot have what other states have. You constantly talk the place down. You go out there with your negativity, on the television screens most nights, talking Tasmania down.

We are about talking Tasmania up, giving people aspiration, giving Tasmanians confidence that they can have it all here. They can have, of course, a Government that focuses on the key priorities of health, education, public safety, and housing. I know what Tasmanians do not want. They do not want Governments to give up on Tasmania. They want Governments to instil confidence in the Tasmanian community and build aspirations, and that is exactly what we are doing.

Petitions - Lack of Response from Ministers

Ms JOHNSTON question to PREMIER, Mr ROCKLIFF

[10.25.a.m]

On 9 November last year, I tabled a petition signed by 1036 Tasmanians calling the Government to defer all windfarm developments in this state until world's best practice is adopted by the Environmental Protection Agency and an updated threatened Tasmanian eagles

recovery plan is in place. A response to the petition was due on 3 May, this year. To date, nothing has been received or tabled.

In fact, it seems from looking at the parliamentary website that eight petitions are yet to be responded to by your ministers, some dating back to March last year. Fundamental to our system of government, citizens have the right to petition and the right to expect their government to respond. Citizens put a lot of effort and time into preparing petitions because they care about the issues and they want to hear your response. Why are your ministers not responding to voices of the people?

ANSWER

Mr Speaker, I thank the member for her question. We have talked a lot about our investment in renewable energy and our desire and vision to be the nation's cleanest, smartest and most innovative state. I put on record our credentials when it comes to our investment in renewable energy and our clear targets as well.

On the matter of the petition, I will investigate that. It is my expectation that all petitions are responded to in a timely manner. I will be urging our team to respond to any outstanding petitions as soon as possible.

Devonport - Firefighter Numbers

Mr O'BYRNE question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr ELLIS

[10.27 a.m.]

Twice in recent months the fire alarm has been triggered at the Mersey Community Hospital. The Tasmania Fire Service has not been able to respond with a full crew due a shortage of firefighters. The second time the fire alarm at the Mersey Community Hospital went off, the Devonport crew was busy responding to a school fire alarm. While the volunteer crew and even the bushfire response crew were paged, they were also unable to immediately respond.

Your predecessor promised to deliver an extra firefighting crew in Devonport by the end of this year. It is not clear when or if this commitment will be delivered. However, it is clear there are not enough firefighters in Devonport to meet to the community's needs. Could you outline what you are going to do to fix this resourcing issue, which is clearly putting people's lives and property at risk?

ANSWER

Mr Speaker, I pay tribute to the outstanding firies we have in the north-west, both career and volunteer. We are well-served by their dedication and hard work, including our crews in Devonport but also our volunteer crew at Latrobe and a range of others in the area.

I am always eager to understand the concerns of our local communities. It is important that resourcing in our fire service and in our emergency services is matching the risk in those

communities. There are some staffing issues directly affecting Devonport, particularly as a result of the union work bans. This is an example of work bans impacting community safety -

Mr O'BYRNE - Point of order, Mr Speaker. The minister is now reflecting on the professional firefighters in Tasmania. I take offence on behalf of the firefighters in Tasmania. This minister is now reflecting on firefighters. What a disgrace.

Mr SPEAKER - Mr O'Byrne, please resume your seat. It is not a point of order and you know it. I will allow the minister to continue his answer. If you wish to raise an issue on the adjournment you may do that. The minister is allowed to answer the question as he sees fit.

Mr ELLIS - Thank you, Mr Speaker. This is an important issue because we need to recruit and retain more firies.

Ms O'Byrne - They are the worst-paid in the country.

Mr SPEAKER - Order.

Mr ELLIS - There are work bans which are impacting the recruitment of firefighters in the north-west. At this time I understand that Burnie and Devonport stations each have a 24/7 career crew. They are supported by a strong volunteer and retained brigade presence in the surrounding area -

Opposition members interjecting.

Mr SPEAKER - Member for Bass, order.

Mr ELLIS - and they also have the appliances they need to respond. Further, as part of the recruitment of 46 new firefighters in 2021, nine new firefighters were recruited to the north-west region and are already providing valuable staffing to support firefighting operations in both Burnie and Devonport. These additional staff are providing increased ability to support recall arrangements as well where required by career stations.

Of course we want to make sure we are providing a timely response to any of these calls, whether they are recognised emergencies or they are alarms. It is important that we continue to keep working on that and making sure that we have the resources available.

Deer Management

Mr TUCKER question to MINISTER for PRIMARY INDUSTRIES and WATER, Ms PALMER

[10.31 a.m.]

Can you update the House on how the Tasmanian Liberal Government is progressing the program of work to support deer management over the next five years, as outlined in the Tasmanian Wild Fallow Deer Management Plan?

ANSWER

Mr Speaker, I thank the member for Lyons for his question. As a government we are committed to the modern management of the wild fallow deer population and outlined our balanced approach through our plan in February of this year. I am pleased to announce today the next step with release of the deer implementation strategy that sets out clear objectives to manage the agricultural, commercial, environmental and public safety impacts associated with deer populations in Tasmania.

The management plan and implementation strategy recognise the balance between supporting recreational hunting and giving landholders the flexibility to manage deer on their land and minimise the impact of deer in the state. Extensive stakeholder engagement was undertaken with key associations and peak bodies to develop the management plan and implementation strategy, ensuring our Government has a balanced and supported framework. I want to thank all those groups who provided feedback throughout this process. It is through this collaborative approach that we are setting this project up for success.

While delivery of the implementation strategy will be overseen by a steering committee coordinated by Natural Resources and Environment Tasmania, there is a range of actions or initiatives where industry groups will play a critical role, and I thank the various industry associations and peak bodies in advance for their input and involvement in the delivery of key actions.

For farmers, this includes identifying strategies and initiatives to support the deer farming industry, property-based game management plans, and supporting industry regulation for commercial deer farming. This will provide opportunities for economic benefits through increased farm productivity as well as enhance the use of deer as part of the quality and niche food experiences offered by Tasmania. For hunters, this includes opportunities to increase the involvement of recreational hunters in control programs on public land, along with the establishment of partnership and project agreements with key stakeholder groups.

Our Government committed $2 million over four years in the 2021-22 budget to implement the management plan, and this funding will support the recruitment of an additional officer dedicated to working with farmers and hunters to increase the take-up of property-based wildlife management plans. The funds will also support industry regulation and wildlife population monitoring activities, as well as providing increased economic opportunities through support for existing deer farmers to market and showcase their product and leverage the Tasmanian brand.

Work is starting soon on a study into the economic and social value of recreational hunting and sporting shooting to Tasmania, with almost $60 000 being spent to complete this work. In addition to this, the Australian Government has provided $400 000 to support a project to eradicate deer from the Walls of Jerusalem National Park along with a further $450 000 over three years to assist with the control of peri-urban deer.

The deer implementation strategy is further evidence of our commitment to a balanced approach to managing the impact of wild fallow deer on agricultural production, peri-urban areas, conservation areas and forestry production areas, while maintaining deer as a traditional hunting resource.

Mr Speaker, this is another example of how this Government is delivering on its commitments to Tasmanians and providing a clear pathway to implementing a modernised management approach for wild fallow deer.

Proposed Stadium Development - AFL Games

Ms FINLAY question to PREMIER, Mr ROCKLIFF

[10.36 a.m.]

Just over a week ago, you said that a new stadium in Hobart would allow people to watch, and I quote, 'our very own Tassie AFL team take on some of the league's toughest opponents'. Despite your earlier promises, does your statement now mean that there will be no blockbuster matches played in Launceston, and all the best games will now be played in the south?

ANSWER

It does not mean that, Ms Finlay. Mr Speaker, I know there is a lot of short-term politics with respect to this matter, and you guys are probably enjoying the moment, but one time in the near future you are going to have to front up and have a plan and a vision for Tasmania, actually come up with some policies, stop playing the politics of the day and have a long-term plan for Tasmania.

Ms Finlay - So you're not backing in your commitment to the north?

Mr SPEAKER - Order.

Mr ROCKLIFF - You have not been able to produce a single alternative budget in eight years.

Ms Finlay - You're backing away from the north?

Mr ROCKLIFF - I am backing AFL football for all Tasmanians in every corner of the state. I hope this does not mean you are crab-walking away from your support for an AFL team. I really hope that is not the case because there will be huge investment in the AFL code as a result of securing our nineteenth licence and investment in local footy. The reason I am most excited about the prospect of an AFL team for Tasmania -

Ms Finlay - What about your commitment to blockbuster games in the north?

Mr SPEAKER - Order, member for Bass.

Mr ROCKLIFF - is that I well and truly know the value of local footy to local communities. Having been president of the Latrobe Football Club from 2006 to 2009, I gained a huge insight and appreciation of what local football clubs can do for local communities and particularly for young people - at that time, young men. Now, with competition expanding, the growth of the sport is in young women engaging in AFLW as well, which I am most excited about. They are engaging in training two or three times a week and engaged in the game on the weekend. Volunteers support local football clubs. I do not want to see the AFL code die in Tasmania.

I have seen what investment can do in basketball when it comes to grassroots participation across Tasmania. There is no better example of grassroots basketball than in my neck of the woods up on the north-west coast. Just about every town has a basketball team. They are excited about the JackJumpers and the investment we have made in southern Tasmania with respect to that, and they get games as well.

I urge you to cast aside your negativity and focus on aspiration for young people.

Proposed Stadium Development - Opposition to Proposal

Ms WHITE question to the PREMIER, Mr ROCKLIFF

[10.40 a.m.]

Your plan to spend $750 million on a stadium in Hobart is falling apart faster than the Bass Highway. You admitted this week there is no business case. You admitted you had no idea how much you would lose each year, how much the interest repayments on the debt will be, and how big an annual subsidy you will need to provide.

The federal Liberal member for Bass, Bridget Archer, criticised the plan, while Liberal Party veteran Brad Stansfield called it 'madness'. Yesterday, two of your ministers pointedly refused to give support to your plan, despite being given multiple opportunities to back you. They did not do it. Opposition continues to build in the community, too.

Today, serious questions have been raised about the strength of the Government's commitment to football in the north, and more seriously about the impact of the $750 million stadium plan on the Cenotaph.

Government members interjecting.

Mr SPEAKER - Order.

Ms DOW - Point of order, Mr Speaker. The Leader of the Opposition should be heard in silence while she is delivering the question. We cannot have two sets of expectations on either side of the Chamber.

Mr SPEAKER - First of all, that is not a point of order. I will point out that you are interjecting on your leader while she is asking a question. I will make the point that the Chamber should be silent whenever the question is being put and when the question is being answered.

Ms WHITE - Thank you, Mr Speaker. Today, serious questions have been raised about the strength of the Government's commitment to football in the north, and more seriously about the impact of your $750 million proposal on the Cenotaph in Hobart.

Is it not time that you ditched your stadium plan and started focusing on Tasmania's real priorities, such as the cost of living, housing and healthcare?

Opposition members - Hear, hear.

ANSWER

Mr Speaker, I thank the Leader of the Opposition for her question. As we have outlined, our priorities are always going to be our hospitals, our schools, our public safety. On that note, I will pause and reflect on Remembrance Day, where we remember police officers who have been killed in the line of duty. We remember them and thank them and honour them.

Outside public safety, housing, health and education are our key priorities. They will always be. Good governance can do both. We can focus on those priorities and we can build infrastructure. We can focus on those priorities.

Opposition members interjecting.

Member Suspended

Member for Franklin - Mr Winter

Mr SPEAKER - Member for Franklin, you can leave the Chamber until after question time. We will start this process. Anybody who interjects from now on will be leaving the Chamber.

Mr Winter withdrew.

Mr ROCKLIFF - Mr Speaker, good governance can invest in key infrastructure such as stadiums, such as arts, entertainment and cultural sporting precincts. We are investing in York Park, UTAS Stadium. We have committed to some $65 million. We have also committed $25 million to the Dial Range in Penguin. You do not hear much complaining about that from those opposite. That is our investment in those key areas as well.

I will tell you what I will not let happen: I will not let parochialism kill our opportunity. We have been trying for three decades to get our own team, with our own colours, and our own song, in a national competition of Australian Football League and the AFLW. I will not let parochialism kill this opportunity. What you are doing is playing into the 'cheap rent' politics of parochialism and I will not have it. Parochialism has killed a lot of opportunity in this state, Mr Speaker, and it stops now.

We will always invest in key areas across Tasmania. The reason we do not have our own AFL and AFLW team now is because parochialism has killed it every single time. I will never let that happen again.

Underground Coal Mine - Fingal Valley

Dr WOODRUFF question to MINISTER for ENERGY and RENEWABLES, Mr BARNETT

[10.45 a.m.]

The proposal to construct an underground coal mine in Fingal would dig up 1 million tonnes of coal a year to be transported to Bell Bay and create hydrogen. The mine's proponent

claims this entire process will be zero emissions, and has called the end product 'green hydrogen'. That is a ludicrous and disturbing attempt at greenwashing. The science is clear: digging up coal releases masses amounts of methane gas, with a terrible climate impact.

During Estimates this year, you said -

> We want Tasmanian businesses to stamp their product as 100 per cent clean electricity to give certainty to businesses investing in Tasmania. Their product has a competitive advantage.

Do you stand by your words and condemn this black hydrogen threat to our clean brand?

ANSWER

Mr Speaker, I thank the member for the question. The Premier has outlined in great detail, in a comprehensive manner, the Government's response to an earlier question on a very similar related matter.

I remind the member and those in the Chamber that the mining lease in the Fingal Valley to which you refer was granted under the previous Labor-Greens government. The Leader of the Greens was sitting in that government.

The Premier has made it very clear that the mining process has to go through a standard, rigorous planning and approval process. The minister for Resources knows that full well, and Minerals Resources Tasmania has a process they have to go through.

Having said that, it is absolutely clear that this Government is locked into our renewable hydrogen action plan. I was at Bell Bay with the current Treasurer when we launched that action plan many years ago now. It is all about renewable hydrogen. It is all about green hydrogen. That is our vision and that is our plan.

I am pleased and proud that we have secured federal government support for Bell Bay as the green hydrogen hub for Tasmania, for Australia. It is not just a hydrogen hub, it is the green hydrogen hub. This is for Tasmania, for Australia. We have locked in $70 million of support to match our support in Tasmania. This is the result of hard work and commitment. This is a result of our vision for renewable energy.

Is there any renewable energy project in Tasmania that the Greens have supported? Is there one? Every one, they say, 'Oh, we support renewable energy'. Can we think of one? Every single time -

Ms O'Connor - Hang on a minute, we are talking to you about a black hydrogen process.

Mr SPEAKER - Order.

Mr BARNETT - we come forward with projects to promote and support our renewable energy future, the Greens oppose.

Ms O'CONNOR - Point of order, Mr Speaker. Can we get some clarity from the minister about whether he believes this project is a green energy project?

Mr SPEAKER - That is not a point of order. The question has been put to the minister. As I have said, I do not know what the minister has to say in the future about it. He has the call.

Mr BARNETT - Mr Speaker, clearly there is a non-answer from the Greens. There is zero. That is the big one - zero. The big doughnut, the big zero from the Greens in response. Was there one major renewable energy project in Tasmania that they have supported? Not one.

Our vision is for a renewable energy future that delivers more jobs, growth and opportunity. I have indicated that this process and this project to which the Greens refer has to go through a rigorous planning and approval process -

Dr WOODRUFF - Mr Speaker, point of order, relevance. I asked the minister whether he rejected black hydrogen which is what this project would have.

Mr SPEAKER - Again, points of order are not an opportunity to restate the question. The minister I am sure was aware of the question and he is answering it.

Mr BARNETT - It is not for the Greens to dictate the planning and approval process. Have they heard about HIF Global, 30 kilometres from the back of Burnie, and their plans for a renewable hydrogen industry based on Tasmania's clean renewable energy future and our vision?

We have met with the chief executive officer, with the Premier and with my officers in recent months and they have a plan. It is very exciting and I want you to get behind that - another renewable energy project, talking about using hydrogen in Tasmania and using our water resource, using our green electricity -

Dr Woodruff - Clean?

Mr BARNETT - 100 per cent. Why don't you spruik that?

Dr Woodruff - You are supporting a black hydrogen project.

Mr BARNETT - It is 100 per cent clean. Why do the Greens not spruik the 100 per cent clean electricity? We have a target now to 200 per cent. Why would you not support it?

Mr SPEAKER - If you could wind up, please minister.

Ms O'Connor - Okay, we are more confused. Backed in a black hydrogen project, amazing.

Mr SPEAKER - Order. Silence in the Chamber.

Tasmania Fire Service - Vacancy Control Measures and Funding

Ms O'BYRNE question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr ELLIS.

[10.51 a.m.]

Mr Speaker, I also extend the Labor Party's thoughts on Police Remembrance Day for officers who have fallen, but also those who are injured and live with injury as a result of their work.

Minister, you are the only minister in this place to have initiated vacancy control measures to address budget challenges -

Ms White - That we know of.

Ms O'BYRNE - That we know of. The only one to admit it in this House, I apologise.

We now know that an extensive and detailed internal analysis of the State Fire Commission's financial position has identified a significant budget shortfall. It has found a gap between, I quote, 'The current situation and where we need to get to'.

What is this gap? As we head into the fire season, exactly how under-funded is our fire service?

ANSWER

Mr Speaker, I take the opportunity to echo the comments from the Premier and the Opposition spokesperson on National Police Remembrance Day, particularly with the events in the last few days. It is an important reminder that it is sometimes a dangerous job that our police and a tough job. They are truly some of the best of us. They are outstanding Tasmanians and they have our full support in this place.

I appreciate the question from the member opposite in regard to our fire capability. We will be releasing further details about this but we need to make sure we have an appropriate resource to the risks that we face as a state with regard to fire. We are one of the most fire-prone places on earth in Tasmania. The service we receive from our fire service whether it is career or volunteer, we also need to be making sure that they have the resources they need.

Ms O'BYRNE - Mr Speaker, point of order. My question was not about the resource to risk work that has not been done. It was about the identified gap of which the minister is aware.

Mr SPEAKER - I remind you again that making a point of order should not be used as a way of repeating the question. The minister is aware of the question. I will allow the minister to answer it and again seek relevance to the answer.

Mr ELLIS - Thank you, Mr Speaker. I am talking about resources. I was asked about resources. We will have further information as we always do with regard to the financial position of our fire service in making sure they have what they need to deliver their services that Tasmanians rely on.

Homes Tasmania - Investment in Housing

Mrs ALEXANDER question to MINISTER for STATE DEVELOPMENT, CONSTRUCTION and HOUSING, Mr BARNETT

[10.55 a.m.]

Can you update the House on how the Government is investing in some of the essential services such as housing? Are you aware of any other existing options around other potential investments or how is this being approached best?

ANSWER

Mr Speaker, I thank the member for her question and dedication in supporting housing and homelessness in Tasmania and to deliver solutions. It is because of our strong economy that we are able to invest in housing and homelessness services in Tasmania. It is because of our strong economy that we can deliver a vision and a plan, the most comprehensive, the largest in Tasmanian history, a $1.5 billion commitment to 10 000 new homes between now and 2032. This is our ambition. This is our plan, because of a strong economy.

The delivery of Homes Tasmania is at the core of this to help make that happen. We will leave no stone unturned to deliver on this objective. I refer to the opinion piece by Mark Gaetani, the state president of St Vincent de Paul, in the *Mercury* today. He said, 'We need to change our approach and that change has been realised -

Mr O'Byrne - He's absolutely right on that.

Mr SPEAKER - Order.

Mr BARNETT - He said we need to change our approach. This matter is important and I would like to read the quote without further interruptions. He said:

> We need to change our approach and that change has been realised in the Homes Tasmania Bill.

He also said:

> The Tasmanian Government Homes Tasmania Bill will give the homeless and those at risk of homelessness, hope that help is on its way.

That is where we are at. There are still a few moments for the Labor Party to reverse their opposition to this vision and to this plan.

I want to update the House with respect to building that vital infrastructure. It is the three-year anniversary of the Commonwealth debt waiver that was successfully negotiated by my former colleagues and the minister, Roger Jaensch, so, well done, and with the Australian Government for which we are very grateful. The $157 million principal and interest has allowed us to spend $230 million in increased supply of social housing and reducing homelessness in Tasmania. That is what it is delivering: $15 million per year for the first four years. For those first three years we have delivered 210 social housing homes -

Mr O'Byrne - What about fast-track housing?

Mr SPEAKER - Mr O'Byrne, Order.

Mr BARNETT - There is $2.1 million to support the purchase of Balmoral Motor Inn, which is now known as Mountain View Lodge. I visited there last week with Hobart City Mission and it was excellent to see the 32 high-quality units and those who have been supported. Half of those people have been supported out of emergency accommodation into the transitionary support and accommodation. It is very good news, delivering results for homeless and vulnerable Tasmanians. In addition, we have used that money for other housing assistance and support including 41 private rental incentive homes, as well as a 50-unit housing complex in Oakley Court, Glenorchy, and more. We are very committed.

I thank the Australian Government for the collaboration. We will be prosecuting our arguments to ensure we get our fair share of the Housing Australia Future Fund. We will be doing that to ensure we get our fair share. I thank Julie Collins for her collaboration and it is great working with her.

I thank the reference group. These are the experts in housing and homelessness, property, building and construction, and local government. I thank them for their feedback. We have used that feedback in the 20-year housing strategy and that discussion paper is now out for comment until 21 October.

We need a strong economy to deliver these good works going forward. Yesterday was just one of those, where we provided land and funding support to Andrew Lyden Builders at Kingston to build a home specifically for a family with a member of that family with disabilities.

It was one of the most special days I have had as minister because this was in tribute to Madison Lyden who had type 1 diabetes, like me, and who sadly was killed in a cycling accident in New York some years ago. Her twin sister Paige was there yesterday paying tribute to her and she said this is the best way to honour Madison. They are building that house and all the money and all the extra profits made will be going back to Variety and other children's charities in Tasmania to support thousands of children around Tasmania.

I thank Andrew Lyden, Paige Lyden and the whole family, and I thank all of those builders and tradies who are giving their time, their effort and their services for free or volunteering in whatever way to help build those funds for children in need. I pay tribute to all of them.

I was asked about other alternatives. Frankly, it is disappointing because the alternatives are just not there. They are negative and critical. The Opposition keeps going on and on. It is time you have a few moments to reverse your opposition to the Homes Tasmania bill. We want you to come on board and support our vision and support vulnerable Tasmanians in the same way that the housing providers, the charities, and other Tasmanians know is so important.

Project Marinus - Federal Government Funding

Ms WHITE question to MINISTER for ENERGY and RENEWABLES, Mr BARNETT

[11.02 a.m.]

You have been pursuing Project Marinus for six-and-a-half years. You are planning to spend $250 million just to get to a financial investment decision. Can you confirm you have rejected yet another offer from the Australian Government, which has now come to the table offering to pay well over half of the construction cost?

ANSWER

Mr Speaker, I thank the member for her question. This is excellent. It is wonderful news that the Opposition have mentioned the word 'Marinus' but they have not indicated whether they support it. We still do not know what their position is with respect to Marinus Link, Battery of the Nation and green hydrogen and whether they support our vision for the future. Maybe they are considering shifting their support for our Marinus Link plans which will unlock renewable energy opportunities in Tasmania -

Ms White - What is your position? Did you reject the offer? You did, didn't you?

Mr SPEAKER - Order.

Mr BARNETT - and deliver downward pressure on electricity prices and improved energy security, meaning more jobs, growth and opportunity across the state and a cleaner world.

Ms White - Why did you reject it? The Premier just said you rejected it yesterday, so why can't you answer the question?

Mr Ferguson - Don't put words in people's mouths.

Ms White - If he didn't, I apologise, but I thought he said that.

Mr SPEAKER - Order. The minister has the call. Everybody else should be silent.

Mr BARNETT - I was making the point, Mr Speaker, about a cleaner world. Around 140 million tonnes of CO2 will be removed from the atmosphere. That is 1 million cars, so why would the Labor state Opposition not want to come on board and support our vision to unlock that renewable energy future? At every step of the way as a government we will advance Tasmania's interests and what is best for Tasmania. We will fight and prosecute and advocate for what is best for Tasmania, and we will not relent.

Ms WHITE - Mr Speaker, point of order under standing order 45, relevance. The question to the minister was whether the Government rejected an offer to fund by the Australian Government.

Mr SPEAKER - I do not need to hear the question again. I have heard the point of order and I remind the minister to be relevant to the question, although I thought he was talking about the Marinus Link.

Mr BARNETT - Mr Speaker, I have made it very clear we have had very long, established and collaborative relationships with the former coalition government and with the existing new Labor government. We have a good relationship with Chris Bowen. With respect to Tasmania and Tasmania's interests, we will do what is best for Tasmania. We will prosecute the case, we will advocate for what is best for Tasmania and we would like the state Opposition to come on board and help. Support Marinus Link, support our renewable energy future and support what is best for Tasmania.

ICT Sector - Economy and Jobs

Mr WOOD question to MINISTER for SCIENCE and TECHNOLOGY, Ms OGILVIE

[11.05 a.m.]

We know the Tasmanian Liberal Government is delivering on our plan to strengthen our economy and create jobs. Can the minister please give the House an update on the growth of Tasmania's important ICT sector?

ANSWER

Mr Speaker, I thank Mr Wood for his question. I have been up with the sparrows this morning at a TasICT event so I will open by giving a quick update. There were 350 participants and it was quite a remarkable thing. It is the first cyber-specific event in Tasmania and it was quite marvellous. I was very pleased to be able to say a few words then and I will reiterate that right now.

TasICT is doing a superb job at capturing the momentum of the growth of this sector and industry, and the conference with Acer is going to just grow in strength and capacity. There was a great mood and vibe in the room. It is a prime example of how this sector is growing.

Our Government is a huge supporter of the tech sector. Through the pandemic we have seen the importance particularly of the ability to keep people connected. When we all had to work from home and online, let us not forget it was our tech sector that delivered those solutions, so we are getting in behind them and we know there is exponential growth.

We have just released a Deloitte Access Economics Tasmanian ICT sector scan, which we commissioned, which shows that the Tasmanian IC industry employs more than 9000 people - that is jobs, jobs, jobs right there - and it is projected to grow to more than 12 000 by 2026. It is going from strength to strength.

Our sector scan looks at the sector's revenue expectations over the next three financial years, 2022-23 to 2024-25. Confidence is high and it shows us that the sector already makes a huge contribution to our economy, with almost $1.7 billion in revenue generated over 2020-21, and it is growing. Based on the projected growth, the ICT sector's revenue is set to increase to $2.1 billion in 2024-25 - fantastic news.

The scan that we have delivered also provides for the first time an important insight into our local capability and the sector's role in driving digital transformation, productivity improvements and innovations across all sectors. As we know, tech is everywhere and it is very important. The results from the research revealed the technology workforce has grown

3 per cent between 2020 and 2021, and more than 60 per cent of our ICT workforce are employed in a range of industries through the economy including, importantly, agriculture, finance, professional services, science and tech. We even find them in the AFL running football. Tech is everywhere.

Thirty-four per cent of the businesses surveyed for the sector scan are already exporting products from here primarily to North America, Asia and Oceania, and the rest have interstate customers. We are exporting that knowledge, that know-how, that tech, that IP. It is clean, it is green, it is good science, it is good tech and it is good business. We know these tech companies have a range of capabilities and they are looking for growth. We are starting to address the skills shortages but we are also supporting our companies offshore with our trade advocates, particularly in the USA.

Whilst there is still work to be done, we are on the right track. The Tasmanian ICT sector scan report can be found at the State Growth website and I want to reiterate that it is time we bring our specialist tech people out of the back rooms. They are on the front line of cyber, the front line of growth, and the front line of creating jobs. I take this sector incredibly seriously and am delighted to be the minister in this sector at this important point in time. Thank you so much.

Time expired.

PETITION

General Practitioner Services in Ouse

[11.10 a.m.]

Ms Butler presented a petition from approximately 249 citizens of Tasmania requesting general practitioner services in Ouse and surrounding areas.

Petition received.

TABLED PAPER

Public Accounts Committee - Reports

Dr Broad tabled the following reports of the Standing Committee of Public Accounts:

- Review of Selected Public Works Committee Reports - 41 of 2020: Sorell Emergency Services Hub; and 15 of 2020: Major Redevelopment of Sorell School.
- Annual Report 2021-22.

Subordinate Legislation Committee

Ms Finlay tabled the following report of the Joint Standing Committee on Subordinate Legislation:

- Inquiry into the Nature Conservation (Wildlife) Regulations 2021 (S.R 2021, No. 93)

RESIDENTIAL BUILDING (MISCELLANEOUS CONSUMER PROTECTION AMENDMENTS) BILL 2022 (No. 44)

JUSTICE AND RELATED LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2022 (No. 43)

First Reading

Bills presented by Ms Archer and read the first time.

MOTION

Suspension of Standing Orders - Order of Business for Tuesday 18 October 2022

[11.17 a.m.]

Mr STREET (Franklin - Leader of the House) (by leave) - Mr Speaker, I move -

> That in respect of the proceedings of the House on Tuesday 18 October next, so much of Standing Orders be suspended as will prevent:
>
> (1) The Question before the House at noon from standing adjourned until 2.30 p.m.
>
> (2) A Motion of Apology to Victim Survivors of Child Sexual Abuse in Institutional Settings from then being moved by the Premier forthwith.
>
> (3) The Mover, Leader of the Opposition and Leader of the Greens not exceeding ten minutes in speaking to such motion, and the Independent members for Clark and Franklin not exceeding five minutes each in speaking to such a motion.
>
> (4) The sitting of the House from being suspended until 2.30 p.m. immediately following the resolution of such Motion.

I have forwarded that wording this morning to the Leader of Opposition Business, Ms O'Connor, and the two Independents. I am sorry it did not happen yesterday; I was not here.

There is a genuine commitment from the Government to make sure that everything we have in place for that day is exactly as it should be. We welcome the feedback from any member of parliament regarding the processes we are putting in place. The idea is that we will finish the MPI on that Tuesday. I will ask the Speaker to leave the Chair until midday, which will allow us to bring in the people who are attending, without parliament going on in the background as well. The Speaker will come back at 12 noon. We will proceed through the motion. If it goes past 1 p.m. we will keep working through, so there is no break. We will then adjourn until 2.30 p.m. so there is no break in the proceedings, and we get through the formalities as clearly and as properly as possible.

As I said, this is simply to set that up. The actual motion that the Premier moves will be circulated well in advance, so that the four we have down to speak have the opportunity to work on their remarks and also to have them assessed by somebody - if you would like - so they are informed with regard to trauma, damage and other such matters.

[11.20 a.m.]

Mr WINTER (Franklin) - Mr Speaker, I appreciate the Leader of the House's information. I appreciate that he was away yesterday and was perhaps indisposed, and unable to provide us with a huge amount of notice. It does look in order in the way that these things should be handled, particularly given the very important nature of the apology the Government is planning to lead on that day, so we support the motion.

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, this is a very significant and important motion. All members of this House will have been moved by the testimony given to the commission of inquiry which was established by government and a previous premier and apologising to victims/survivors is a step forward and, formally, the least we can do.

The Leader of the House has asked for feedback. Respectfully, I think that confining the speakers to those five who are detailed in the motion is not ideal because some members were here during the 2012 apology to victims of past forced adoptions. That was a very moving debate and we had here in the House many victims/survivors of past forced adoptions and each member of the House was given an opportunity to say sorry in their own words. I believe opening it up to other members is reasonable. With those few words, we support this motion but I ask the Leader of the House to consider whether it is possible to extend an invitation to other members to speak.

[11.22 a.m.]

Mr STREET (Franklin - Leader of the House) - Very briefly on that, Mr Speaker, I am more than happy to make the commitment that we will look at whether there is an avenue to move a separate motion that would allow people to speak to the apology and give their contribution as well. I know they are completely separate issues but, much like we did with the condolence motion for the Queen where we had the leaders speak on one day and then we moved a separate piece of business to allow any other member to make a contribution as well, perhaps we could do that. I will not amend this on the fly but I will make the commitment that we will look at that and come back to all members and let them know what we decide to do.

Motion agreed to.

SITTING DATES

Mr STREET (Franklin - Leader of the House)(by leave) - Mr Speaker, I move -

That the House at its rising adjourn until Tuesday 18 October next at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Lake Malbena

[11.23 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, I move -

That the House take note of the following matter: Lake Malbena.

Today the Greens are bringing on a matter of public importance debate about Lake Malbena inside the Tasmanian Wilderness World Heritage Area.

The expressions of interest process for development inside public protected areas was initiated very soon after the Liberals came to Government and it immediately created deep public concern. That concern only deepened when the Tasmanian Wilderness World Heritage Area Management Plan in 2015-16 was amended in such a manner that specifically enabled private commercial developments inside the TWWHA, developments that under previous management plans would have been explicitly prohibited.

Perhaps the most divisive of all the expressions of interest projects is the plan to establish a heli-tourism project at Halls Island inside Lake Malbena by Daniel Hackett on behalf of the company, Wild Drake Pty Ltd. To date, this project has been rejected by the Central Highlands Council, the Supreme Court, the Federal Court and in the court of public opinion, and that is because it seeks to alienate everyday Tasmanians from a place they have been able to visit, free of charge other than the cost of a Parks pass, for generations. Now what Tasmanians understand is that this Government secretly signed over the historic Reg Hall's Hut and an entire island in the World Heritage Area to Daniel Hackett and that, of course, is privatisation. For the privilege of having an entire island in the World Heritage Area, Mr Hackett pays the Parks and Wildlife Service a little over $100 a week.

Having been rejected by the planning authorities and rejected in the court of public opinion, Daniel Hackett is back and he has provided to the Australian Government's Environment department more material under a request for information process. For anyone who has a few hours to understand how damaging to wilderness values this project is, but worse in some ways administratively, how much the Tasmanian Parks and Wildlife Service has worked to facilitate this development, I highly recommend reading the request for further information response put forward by Mr Daniel Hackett.

It makes a number of extraordinary claims. It claims that Mr Hackett is the owner of Halls Island and Halls Hut. When this matter came before the Federal Court, the judge in the Lake Malbena case asked incredulously, 'A private operator gets exclusive possession of a

World Heritage Area?' Yes, your Honour, that is exactly what has happened under this Government, and Mr Hackett is under the impression that Halls Island and the hut on there, Reg Hall's historic hut, belongs to him. We believe Reg Hall would be turning in his grave with Mr Hackett's plans.

This proponent then, who has exclusive use of a whole island in the World Heritage Area, in his documents to the EPBC Act has self-assessed that the noise from 240 helicopter flights each year would have very minimal impact on the wilderness. In fact, he does not use the term 'wilderness', he talks about a 'wilderness zone'. He says that in his view, and I am paraphrasing here, the former federal Environment minister, Sussan Ley, got it wrong when she said:

> I found that the anticipated loss of 700 ha of 'high quality wilderness area', and the reduction in 'Wilderness Quality' over at least 4200 ha, would constitute a significant impact on these key values or attributes. I consider that the scale of the projected reductions in 'Wilderness Quality', including the size of the total area effected, mean that the impact on relevant values is substantial. I do not consider that the fact that the proposed action area is situated on the edge of the Wilderness Zone, immediately adjacent to areas of lower Wilderness Quality, or the total size of the TWWHA, diminishes these impacts, or otherwise means that they are not substantial.

Mr Hackett and Wild Drake Proprietary Limited therefore believe the previous Environment minister got it wrong, even though in her statement of reasons she makes it very clear she had enough information to make an informed decision.

There is a huge question mark over public access to Halls Island. Mr Hackett was on radio recently saying that if anyone wants to visit Halls Island, all they have to do is send him an email, so they have to seek permission from a private operator to go onto Halls Island and if they do not get that permission they can be charged with trespass. As we know, Mr Hackett has made thousands of anglers and walkers who do not agree with his proposal very furious, and they are concerned that he will not permit them onto Halls Island.

In his documents to the EPBC, Mr Hackett states the island is not a fire refuge, but there are in fact 1000-year-old pines on Halls Island that have never seen fire. The reserve activity assessment, which went to the federal government in the previous process, stated that there would be three full-time equivalent jobs. In the EPBC material that has been magicked up to 13 FTE. He stated on ABC radio in an interview with Mel Bush recently that he was the only investor, but ASIC searches state that he owns less shares than the two multimillionaires, John Topfer and Nicholas D'Antione. There are huge question marks about the money behind this proposal. He is claiming that solid walled huts are hybrid tents that are in conformity with the standing camp policy of Parks, but these will be permanent tents on Halls Island.

Perhaps most insultingly, he claims that trips of $5000 a head will be purchased predominantly by ordinary Tasmanians, but then claims they are for the super-rich. Which one is it? Everyday Tasmanians used to be able to access Halls Island for the cost of a Parks pass.

Mr Hackett is saying that if his proposal is not approved, Reg Hall's heritage listed hut will fall into disrepair. That is not a good enough reason for the new Environment minister, Tanya Plibersek, to approve this project and we call on her to reject it.

[11.30 a.m.]

Mr JAENSCH (Braddon - Minister for Parks) - Mr Speaker, I thank the Leader of the Greens for bringing on this matter of public importance today, again.

This Government supports and will continue to encourage appropriate environmentally sensitive and sustainable proposals that go through thorough and robust approvals processes at all levels. The Halls Island Lake Malbena proposal remains subject to state and Australian Government planning and approvals processes. I am advised that the proponent has submitted documentation, as required by the Australian Government, for further assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC).

The current public consultation process under way in relation to this process is clearly documented on the Department of Climate Change, Energy, the Environment and Water's website under a section entitled - *The Step Guide to Our Assessment Process Under the EPBC Act.* I am advised that the information, as part of the EPBC Act referral has been published on the proponent's website in accordance with this process and comments can be submitted until the 19 October 2022.

The Tasmanian Government will continue to ensure that the proponent fulfils all of the assessment requirements, as we would for any proponent seeking to deliver a commercial project within our reserve estate -

Ms O'Connor - You have Parks and Wildlife bending over backwards for him.

Mr SPEAKER - Order, Ms O'Connor, you were heard in silence. You will not continually interject on the minister.

Mr JAENSCH - and we will respect the decision of the Tanya Plibersek, Minister for the Environment and Water, when it is delivered.

This current process only further demonstrates that appropriate assessments are being undertaken in relation to this proposal and importantly a decision on whether the proposal will or can proceed has not been made by the Tasmania Parks and Wildlife Service at this point in time. The proponent must ultimately gain EPBC Act approval, including any relevant notification to the United Nations Educational, Scientific and Cultural Organisation (UNESCO), all relevant planning approvals and submit a final Reserve Activity Assessment with that assessment needing to also receive approval from the Director of National Parks and Wildlife.

Again, there is no fast-track. There is no decision granted/made or approval for this project to proceed at this stage. It is going through the prescribed process under all the relevant legislation and regulations that any project would and the Greens just do not get that. They are not interested in due process, evidence-based public process and scrutiny. Every time we are debating a bill they spend hours and days trying to amend legislation to remove ministerial discretion from any decision-making process. However, they then come in here every Question Time and MPI demanding that ministers step in and override due process and natural justice and evidence-based assessments to kill projects that they have decided they do not like. They do this all the time and they do not stop there.

Ms O'Connor - We are here for the fly fishers and bushwalkers.

Mr SPEAKER - Ms O'Connor, if you are not willing to sit there and listen I will ask you to leave.

Mr JAENSCH - They always go the extra step of attacking the individuals involved - be they the proponents, their financiers, the regulators and anyone involved with the projects that they do not like become suddenly conflicted, corrupt or immoral and, again, this is something they cannot be satisfied on; they do not want to be; and they are not interested in good due process, evidence and proper decision-making. They are just protesters, Mr Speaker. They have no regard for the normal transparent process and the opportunity for people to present their credentials to meet the requirements of relevant regulations.

Just this morning, I came in here talking about a proposal - which I have only heard about in the last day - where a fellow says he believes he has a process that can take coal that was being burnt for thermal energy, and - through a process that he believes he has, that does not create emissions - can create hydrogen. I do not know if he can do that or not but off the back of reading something in the press, the Greens are out straight away condemning not only this process that they have not heard anything about, but the person who is proposing it, and any government that does not come out of the blocks and kill it dead.

Ms O'CONNOR - Mr Speaker, point of order. The minister has misrepresented us. I ask him to withdraw it. We have done weeks of investigation into this matter and the story.

Mr SPEAKER - That is not a point of order.

Mr JAENSCH - Mr Speaker, I remind the parliament that the expression of interest process - the EOI process - introduced by this Government in 2015 or 2014 is an additional layer of assessment that did not exist before we created it. Any developer or proponent can approach the Parks and Wildlife Service at any time with any proposal to undertake in their parks and reserves, and Parks has management plans against which to assess them.

Parks is not an expert in tourism. It is not an expert in doing due diligence on what any tourism business might need to be able to succeed. Under the former Labor-Greens government, as one-off walk-up projects, unsolicited bids would come forward and they would be assessed by Parks and their ministers for developments in these reserves. We introduced another process, above and beyond that, which does not confer any approvals, licences or rights to anyone

Time expired.

[11.37 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I thank the member for bringing on this matter of public importance, particularly given the information that has been brought to light in the last month. The proponent has again participated in a process for public submissions and, as the minister has outlined, the EPBC approvals are still required for this particular proposal. The public consultation process that is underway is available to be accessed through the Government's website and the proponent's website.

I have had a look at those things, and at some of the statements Ms O'Connor has made in this place in preparation for this discussion today. Ms O'Connor made some points in a previous contribution in June this year, which I think followed the Estimates process, when the

former minister, Mrs Petrusma, provided some answers to questions asked by the Greens that I personally found quite interesting. They were in relation to the extension that was offered, and the process that was followed at that time - particularly after the right to information documents that had been gained access to demonstrated that it was actually when the current minister - the former minister, Mr Jaensch - had been asked about issuing a new deed, he had responded to say that it was not appropriate to remove a particular clause, which Mrs Petrusma then removed.

I did not hear you speak about that then, minister, but given that you do now hold that portfolio, it would be interesting to understand if you have a view on that, and if you could explain the change in advice that was provided by the department to yourself as minister, then to the minister who followed you, Mrs Petrusma, and why that was different - and how you, as minister managed that.

Mr Speaker, what I would have been very interested to hear the minister talk about today - and unfortunately, he did not - was something else that was announced in the Estimates process, which affects not just this particular proposal, but all expressions of interest proposals. That was the Government's statement that they were going to review it.

I looked at the Coordinator-General's website this morning and it says a couple of things. This is about the tourism EOI. It says -

> The tourism expression of interest process seeks submissions from private operators to develop sustainable, sensitive and appropriate tourism concepts within Tasmania's national parks, reserves and Crown lands.

Then it has a section about the latest updates -

> The Tasmanian Government is enhancing the tourism EOI process. Updated tourism EOI documentation including guidelines, conditions, probity guidelines and application forms to reflect the enhanced process are now available. The tourism EOI website will be updated in the coming weeks.

I do not know if that is still the case. That is what the website says. I do not know if we can expect, in coming weeks, that there will be an update, or whether the website is out of date. Maybe the next speaker for the Government can clarify that.

Another point on the Coordinator-General's website, about the Application Pack, says -

> As part of the tourism EOI enhancement, the following documents have been updated.

It has EOI guidelines, conditions, probity act guidelines, and application form. These updated documents can be downloaded upon registration at eTender and it gives the address for the tenders website.

That commitment by the Government to review and update the expression of interest process occurred back in June. It appears it still has not been completed. I would like to hear an update from the Government about when we can expect that to be finalised, and whether the documents that have been detailed on the Coordinator-General's website are the only updated

documents we can expect to see, or whether there is going to be an updated policy from the Government, and when we might expect to see that.

Ms O'Connor - They are trying to stop land banking, which is a good thing.

Ms WHITE - Yes, I agree, but it would be nice to get a response to whether, when the Coordinator-General's website says the website will be updated in coming weeks, that is still an accurate statement, or whether the Coordinator-General's website is out of date.

If it is to be updated in the coming weeks, will the Government commit to making sure that the update is more publicly known, and not just update a website somewhere that people then have to search around to try to find. If you are going to be updating or completing a review of this expression of interest process, how will people know that this has occurred? How will you communicate that?

I can certainly understand the interest in this particular proponent's proposal at Lake Malbena, but there are a number of proposals. From memory, looking at the website, 70 proposals have been submitted through that EOI process. Not all of them are proceeding. Some of them have already been -

Mr Jaensch - Winnowed out.

Ms WHITE - Winnowed out? An interesting way to describe it. Nonetheless, it is bigger than just one proposal - the Lake Malbena proposal, which is the matter of public importance today. Therefore, I am interested in understanding the Government process and policy on EOIs more broadly, so that the Tasmanian community can understand how they are to engage in having their views known about particular proposals across the state where EOIs are underway.

They are the main points I wanted to make.

To go back to the points Ms O'Connor made in June, given the minister is now the minister again, I remind him of the comments I made at the start of my contribution. It would be good to understand whether the advice that was provided by Mr Jacobi to Mrs Petrusma is consistent with your interpretation of how the department should be operating, because there was obviously a difference of opinion. Are things going to change now that you are back in the job?

[11.45 a.m.]

Dr WOODRUFF (Franklin) - We are here today because Daniel Hackett, Wild Drake Pty Ltd and his two multimillionaire backers are at it again. It is not enough for them to have lost in the council, in the Supreme Court and to have comprehensively lost in the minds of an overwhelming majority of Tasmanians who love this wilderness. He is determined to have another go. It was very disappointing to listen to the minister essentially again defending Wild Drake's attempts to privatise wilderness.

Let us not forget the Tasmanian Wilderness World Heritage Area is the most globally significant wilderness World Heritage Area anywhere on the planet. It has seven out of 10 of the World Heritage criteria. It is the only World Heritage Area with the word 'wilderness' in it. The history of the creation of that place and its preservation and protection has been through the love and passion of Tasmanians who understand what wilderness is. Wilderness in

Tasmania has been defined; it is the first time a comprehensive definition has been established globally from people in Tasmania who care about that remoteness and the intrinsic values of wilderness that this proposal would fundamentally seek to degrade and utterly destroy. Wilderness is a precious thing and not something you can insert 240 helicopter flights a year into and have no impact. It is not something you can have a flight path over which would strongly degrade 1150 hectares and totally disturb the wilderness values of another 5000 hectares from the flight paths alone.

Everything about this new proposal which Daniel Hackett is having another go at stinks of his deceptiveness. He is false in the words he uses to describe what is really going on. He was on ABC radio earlier this week talking about the helicopter landing pad, which he said will be 400 metres east of Halls Island outside the Walls of Jerusalem National Park. Of course what he failed to say was that it will still be inside the Tasmanian Wilderness World Heritage Area. It will be inside the self-reliant zone defined by Parks and the World Heritage Management Plan. The helicopter landing pad will be inside the TWWHA. He said, 'It is right over to the east of the World Heritage Area boundary'. Yes, and it is inside the World Heritage boundary.

He is planning to have the island essentially for his exclusive use, as he has described it. He is seeking to privatise it. Although he says, as Ms O'Connor pointed out, that people can apply by email if they want to have access to it, he also says that for the 120 days a year they are actually operating, people will not be able to have access to it unless they are a high-paying, well-heeled, private guest who will be flying in and staying in a hard hut on the sphagnum moss that is there.

This privatisation of wilderness is devasting. It is a very important test case. It is very clear from the response it has had already from the community and the many organisations who are fighting to defend our wilderness that people are not going to stop. The reason it is a shoddy process and should be called out is because Hackett is running the process himself. It is a totally debased and shonky process where people have to go to his own website to make their views known, but only to a maximum of 500 words. They can only put one PDF up and it can only be a maximum of 150 megabytes in size. This means there will not be an opportunity for people to submit, as part of this process, photographs of the glory of Halls Island, that beautiful place that is so fragile with sphagnum mosses and the beautiful wetlands and all the other vegetation he is seeking to put permanent solid, hardened huts onto, which he pretends is in the memory of the history of Reg Hall. However, Reg Hall's own descendants have decried it as an outrage to the memory of their father.

The Greens stand with the TMPA, the Fishers & Walkers for WHA, the Wilderness Society, the Environmental Defenders Office and all the Tasmanians who have already been and will come back again to defend our wilderness areas. We will not stand for another round of shameful, deceitful information going to the federal department without correcting the record. People will do that through their submissions and through public protest and if it is required, we will do it in the courts.

This is a joke. The idea that people would get 500 words to respond to the extent of information, the lies and misinformation that is in the document that Wild Drake have put up in their so-called request for further information response, is disgusting.

The Wilderness Society has written to the minister, Tanya Plibersek, alerting her to the proponent's shonky processes and reminding her that it is a debased process and she should end it.

Time expired.

[11.52 a.m.]

Mrs ALEXANDER (Bass) - Mr Speaker, I rise to speak around this issue of Lake Malbena. I did some research on this topic in the little time I had, especially because members here may not be aware but I spent five years in New Zealand predominantly working in the South Island in tourism with Fiordland Travel. New Zealand derives a lot of its income from doing very good tourism and maintaining the natural beauty. They take pride in the way they approach that process.

I was fascinated by that process and how everything integrated nicely with nature and the lakes and all the beauty, which also attracted me to Tasmania later on when I decided to come here. I found a lot of similarities in the beauty of the land with something that attracted me to the southern part of New Zealand where I lived. I tried to understand what is happening, how they have approached it and how they have integrated that process because they are very thorough. I had a quick read of the general policy for national parks for Aotearoa/New Zealand.

Tasmania is also blessed with picturesque locations. We have gourmet food and iconic heritage. We also have a fantastic tourism industry that has successfully leveraged these natural advantages. I am sure the Government in Tasmania appreciates the passion that is generated by our unique parks and reserves and people feel strongly about them. Therefore, responsibility is in that area for managing Tasmania's extensive reserve estate seriously.

I understand that the tourism expression of interest is generating a lot of angst. This process, which I understand was implemented in 2014, was designed to enable the development of sensitive and appropriate visitor infrastructure, and also enable that tourism experience within Tasmania's national park reserves on Crown land.

From my reading and understanding of the questions I was able to ask, the expression of interest process strikes, in a sense, a balance as a first level of filter. When we are looking at a first level of filter - and obviously we require several filters in this very important process - the question is, is the expression of interest, setting aside the way in which the EOI has been implemented or the details of that, does it strike the right balance, and has it offered a balance as a first filter? Through the expression of interest process, we are basically ensuring that the proposal has to, in a sense, address information around best practice, around environmental tourism, while broadening the range of unique experiences that we offer in our parks and reserves.

My understanding also is that all proponents ultimately have to demonstrate that their proposals meet the strict conditions that are specifically designed to ensure the outcomes are environmentally sustainable and appropriate for that specific location. Again, reading the document from across the pond in New Zealand, they do have something similar, where they say every submission has to address the specific location where that particular development is proposed to take place.

The question is whether the expression of interest is a 'tick and flick' exercise. My understanding is that this particular process is not as simple as tick and flick. If a proposal is eventually recommended to progress through the assessment process, then it has to embark on all the relevant approvals further down the track. Any proposed development on public land then will be subject to another multilevel assessment and approval process after that, which means that the proponent eventually has to meet all the local, state and Commonwealth planning and approval processes in order to progress the proposed concept, which also includes assessment under the Parks and Wildlife Service, reserve activity process.

From my understanding, once it progresses to that second stage there are options for intervention. Going through the EOI is one step. When you go to the second level, it then becomes a broader area where local, state and Commonwealth are also additional filters, and there is another opportunity for various stakeholders that are associated with local, Commonwealth and state to also put their thoughts forward.

Mr Jaensch - There is no fast track.

Mrs ALEXANDER - Yes.

Time expired.

Matter noted.

JUSTICE MISCELLANEOUS (ADVANCE CARE DIRECTIVES) BILL 2022 (No. 41)

Second Reading

[11.59 a.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill contains amendments that update and clarify a number of provisions in the Guardianship and Administration Amendment (Advance Care Directives) Act 2021, which I will refer to as the Advance Care Directives Act. Advance care directives are instructions around a person's future decisions regarding health care, which enables Tasmanians to put their affairs in order when they are able - typically as they age. They can be an important part of end-of-life care.

As members will recall, the Advance Care Directives Act was passed by parliament in October last year, and provides greater clarity about advance care directives, including their legal status, and greater certainty about protections for health practitioners and others responsible for giving effect to them.

The Advance Care Directives Act also enables those who are providing healthcare to understand the values, wishes and preferences of a person at a time when they have lost the ability to make decisions and communicate those views. The Advance Care Directives Act

draws on the important and extensive work delivered by the Tasmanian Law Reform Institute in its review of the Guardianship and Administration Act 1995.

The minor amendments proposed in this bill are needed now to reflect the abolition of the Guardianship and Administration Board, and the transfer of responsibility for related proceedings to the Tasmanian Civil and Administrative Tribunal (TASCAT).

The need for these amendments arises because the Advance Care Directives Act and the Tasmanian Civil and Administrative Tribunal Amendment Act 2021 - the TASCAT Amendment Act - were considered by parliament at approximately the same time last year. Due to the similar timing, the TASCAT Amendment Act could not amend the Advance Care Directives Act at that time with respect to terminology and other matters that were intended to be transferred to TASCAT. These amendments are now required, and I am pleased to advise the commencement date for the Advance Care Directives Act will be 21 November 2022, as reflected by a suitable amendment in this bill. Many of the amendments simply substitute references to the Board - being the Guardianship and Administration Board - in the Advance Care Directives Act with references to Tribunal to reflect the commencement of TASCAT in November 2021.

The bill also updates some provisions contained in the Advance Care Directives Act to address matters that were repealed in the Guardianship Act and are now reflected in the TASCAT Amendment Act. For example, this includes giving effect to the Advance Care Directives Act's amendment to extend protections available to the former Guardianship and Administration Board to the Public Guardian. These relate to actions taken by the Public Guardian, or information provided as a consequence of the expanded responsibility of the Public Guardian in relation to advance care directives.

The bill also inserts a definition of 'tribunal' into the Guardianship Act, and the definition of 'advance care directives' into the Tasmanian Civil and Administrative Tribunal Act 2020, for the purposes of clarity.

Finally, as I mentioned, the bill provides for a commencement date for the Advance Care Directives Act of 21 November 2022. This is required to ensure that amendments to the Guardianship Act and the TASCAT Amendment Act have commenced prior to parliament's consideration of the second tranche of reforms to the Guardianship Administration Act, in a bill that I intend to consult on in October.

In conclusion, the proposed amendments are administrative in nature and will enable the Advance Care Directives Act to commence.

Mr Deputy Speaker, I commend the bill to the House.

[12.04 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I thank the Attorney-General for outlining the reasons why this short amending bill is required. It is purely an administrative bill. As the minister explained in her second reading speech, it is required to update terminology references in the act that we dealt with in October last year, now that TASCAT is up and running. Because those two bills were considered at roughly the same time, it was not possible for the Advance Care Directives Bill 2021 to refer to TASCAT, because it did not yet exist at that time.

We will be supporting the bill, which updates the terminology in the act, and provides a commencement date for the Advance Care Directives Act of 21 November this year.

The bill that we considered last year, which is now the act, put in place a statutory scheme for the creation of or use in the establishment of advance care directives and we discussed it at length last year. I recall it was not long after the parliament had considered the voluntary assisted dying legislation so there was a lot of discussion with regard to the importance of people's wishes being adhered to when it comes to medical care and other things that advance care directives can cover. I will not go back over that other than to reiterate that it is really important and it was a welcome change for there to be a statutory scheme established to ensure that when an advance care directive needs to be enacted, that person's wishes are clearly stated and accessible to any medical professionals or others who might be in a position to need to act on those wishes.

We supported the establishment of a statutory scheme last year and we will support this bill as well. I want to ask the minister some questions because administrative as this bill is, it is quite timely that it is before the parliament now. Could the Attorney-General give an update on how many advance care directives have been created under the statutory scheme? It could be that none have because the act is not enacted. I might have reached my own conclusion by asking that question because this bill is providing a commencement date for the act. However, if I am wrong and there has been the opportunity in the intervening months for people to write advance care directives, can the Attorney-General let us know how many have been established, written and registered during the months since we dealt with that last piece of legislation?

In that last debate we talked as well about the status of common law advance care directives. The Attorney-General explained that common law advance care directives could be registered under the statutory scheme. I wondered whether there have been many common law directives that have subsequently been registered under the statutory scheme, and also whether any of the concerns that were raised by stakeholders on that original legislation have come to light.

I know there was a consultation draft of that original bill, and there were several community consultation submissions given to Government, and the Government amended the bill before the final version we discussed in parliament. I also know stakeholders raised some concerns around ease of access to the scheme, the use of translators for people who do not have English as their first language, and some of the other concerns that were raised by NGOs and others who deal with people at those critical times of their life.

One of the other concerns that was raised at the time of the debate on the original bill was from the ANMF, the Australian Nursing and Midwifery Federation. They often deal with people in critical health situations: people who are being admitted to hospital who may have an advance care directive but that might not be known. They said that in their experience as medical professionals, advance care directives or the knowledge or use of them had been quite sporadic and that was one of the reasons why a statutory scheme was welcomed by stakeholders and the parliament. Does the minister have any updates since that last debate on whether there has been more knowledge amongst those people who might need to know that an advance care directive exists and being able to act on them?

Ms Archer - Sorry, I do not understand how I am supposed to get into the minds of people. I do not understand the question.

Ms HADDAD - It was one of the questions the ANMF raised. They said that the use of advance care directives, in their experience, prior to the statutory scheme, was quite sporadic with medical professionals perhaps not being aware or knowing that an advance care directive was in place. Since we are debating this bill quite soon after the original legislation, I wonder whether there are any updates across the board in how advance care directives have been used since. You may not have an ability to know whether medical professionals are aware of them or not but it would be nice for the House to know if it is possible to have that information presented to the Chamber.

Ms Archer - I can certainly say how we have disseminated the information and let the ANMF know and let their members know and things like that.

Ms HADDAD - As I said, the statutory scheme was very welcome across the board and was part of the recommendations made by the Law Reform Institute in their very significant piece of work. This was one of the first chunks of that work that has been advanced by the minister. I know from the debate last year that it seemed the intention of the minister then to continue to roll out the other recommendations and the pieces of work that need to happen to improve the system as a whole, which are part of that Law Reform Institute report.

It was very clear at the time to the parliament that it is a major task to implement all the things that are recommended in that report. However, there seemed to be a government intention and desire to do that as well as a desire of the parliament to make sure that all of those recommendations from the Law Reform Institute are implemented to protect the rights of people, particularly when they are at critical times of their life that concern their health care and their legal needs at a time when things are not going smoothly.

While not necessarily directly related to this legislation today, the review of the Public Trustee has been welcomed in the sector as well. I know those recommendations are on their way to being adopted and implemented. I had the opportunity to meet with the new CEO of the Public Trustee, Mr Kennedy, and was very pleased with that meeting. I feel he has shown genuine desire to improve not only the reputation of the organisation but the rights of those whose affairs are being handled by the Public Trustee. I have even had some feedback from members of the public that they have started to see a change in the way their affairs are being handled.

We have all heard those very compelling, significant and harrowing stories through the media and other advocacy of people whose rights have been infringed in the past. I believe there is a genuine desire for that to be improved and I hope that that is the case. I hope in the short to medium term, once those recommendations are implemented by the Public Trustee, that Tasmanians can start to regain their trust and faith in the guardianship system in Tasmania. I acknowledge there is a long way to go to regain the trust of their client base and others that has been eroded over time.

I hope and wish them all the best in delivering on that and keeping them and the Government as well to account so that other Tasmanians in the future who need to have their affairs managed or part-managed through the guardianship system feel confident, included and that their wishes are being listened to, respected and acted on in a way that allows them to

remain living a dignified life being treated respectfully by those who have a role in administering their affairs.

With those comments I reiterate that we will be supporting the bill.

[12.15 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens very much support this bill. For many years we have advocated to give people increasing dignity, respect and rights to make decisions about their own bodies, and their own diseases and life processes. It is important, especially as we age. For some people it is not about being old, it is about being in a stage of disease process where it is important to understand that things might happen where we want to make decisions about how we are cared for and the sorts of treatments we receive.

Advocates have called for this for a very long time. It was very widely discussed around, and as supporting, the push for voluntary assisted dying. We are very pleased and thank the Attorney-General for ensuring that her department has put in the effort and time, as they obviously have, to finishing up this important legislation which amends the Guardianship and Administration Amendment (Advance Care Directives) Act, as well as the Civil and Administrative Tribunal Act so that they can both function and provide people with the opportunity to formalise in a statutory process their own advance care directives.

Common law advance care directives can also be registered under this statutory scheme. It is great that people now have the opportunity to make something which is formalised and standardised, so that at the end of their life, or indeed at any time, where they want to be confident that were something to happen to them, they would be able to know that the treatment and interventions they received were the sorts of things that were appropriate to their own values, spiritual beliefs, sense of self-dignity and respect, and fundamentally, the wishes they have for how they are treated at all stages of their life.

We thank the Attorney-General again and especially the community advocates who have been working towards advance care directives and formalising and standardising them. They would be feeling very pleased at the hard work they have done over many years coming to this point today.

[12.18 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I take the opportunity while I am on my feet, because I could not during my second reading speech, to also pay tribute and respect to those who have fallen as police officers in the line of duty, as well as those who have been injured in service of Tasmania Police. They do an extraordinary job and it is never lost on me each day. Indeed, at the moment they have their work cut out for them in relation to a couple of people they are currently trying to locate, having absconded. I mention that because the work Tasmania Police does in the line of duty for community safety is quite extraordinary.

To advance care directives. This is a technical bill in nature. Ms Haddad asked a few questions, some of which relate to original debate-type matters, or follow-up issues. In relation to the common law and education and how people will be aware of the new advance care directives or the new framework or scheme, advance care directives were already in operation at common law when we did this and the original legislation was there to provide greater clarity about the legal status of advance care directives and greater certainty about protections for

health practitioners and others responsible for giving effect to them. That was an important aspect of creating clarity.

The legislation at the time received strong stakeholder and community support, with the overwhelming sentiment being that the legislation provided a welcome addition to advance care planning in Tasmania. Work has been undertaken to enable the act to commence and this includes drafting relevant regulations, consultation with TASCAT and other stakeholders.

When we pass legislation in this place it is often lost on us the work that then has to occur before some legislation can be operational and a lot of that has to do with drafting regulations. There is a process for regulations in relation to our Subordinate Legislation Committee and how we deal with those matters and also further stakeholder consultation in relation to operational matters. All of that needed to occur.

TASCAT was 20 years in the making and something I have said in this place before is when I became Attorney-General and Minister for Justice, it was something I wanted to put on the top of my priority list because it was definitely needed to bring everything under the one roof. It was definitely needed physically for that purpose but also operationally so that people had, and I hate using the term 'one-stop shop', but it really is that.

It is quite an amazing facility now where we have members of TASCAT who preside over matters of specialty and we have other ordinary members who can deal with matters across the board. It has created an efficient and effective system for better justice for all Tasmanians, particularly those who are more vulnerable, and when we are talking about advance care directives often we are dealing with someone who is well now and may become more vulnerable or has already reached that stage and wants to put their advance care directive planning in place.

Getting back to the question, Palliative Care Tasmania has been funded for education around the new scheme, together with materials to be provided by TASCAT, the Tasmanian Health Service and so on. My department has a working group of health stakeholders to progress this work and this will include the use of existing translator services as well as new provisions for non-written advance care directives.

It is well known amongst the AMA, the ANMF and others in relation to this, so I would be most surprised if it has not been put out through those networks but we can certainly endeavour to follow-up on that. From the feedback that I have had, it is very well known about within the medical community and again has been well received, and the legal profession as well.

Ms Haddad also asked how many advance care directives have commenced and become legislative ones. The bill has yet to commence and Ms Haddad did answer her own question that no ACDs have been issued under the new framework, understandably. Similarly, it is only from 21 November that people can seek to register current common law ACDs if they are suitably witnessed and so on.

Ms Haddad - Thank you, Attorney-General, I apologise. My brain caught up with me as I was asking the question.

Ms ARCHER - That is okay. It happens for all of us.

That covers those issues. It is one of those things that, as Ms Haddad and Dr Woodruff acknowledged, has been well received; it is very good law reform and I am very pleased to have provided it. It is something that was near and dear to my heart to get completed at the time as well as for others and all of these decisions to do with end-of-life care are difficult. They are extremely difficult for family members and it is extremely difficult when there are fractured families - speaking from experience. If someone can create clarity in their will and in an advance care directive or other instrument about their end-of-life care then that is advantageous for family members as well.

It would be remiss of me not to thank the Office of Parliamentary Counsel in this instance who worked with my department, quite furiously I must say, to get this bill done quite quickly within the time frame needed. I want to consult on the second tranche reforms of the Guardianship and Administration Act which are extremely important to me, extremely important to stakeholders and constituents and, no doubt, to other members of this House. I want to do that as quickly as possible. I cannot introduce those reforms until this has been done so we have done this at quite short notice.

I thank members also for dealing with it this week without complaint because I only tabled it on Tuesday. As I said, it is technical in nature and members have recognised that it is a technical bill at that but I wanted to make it very clear and mention our Chief Parliamentary Counsel who has done a wonderful job again, and my department officials who are with me today and also my office as usual because the amount of law reform that we put through our respective offices is, I would say, significant. I thank them greatly for that, and I thank members for their contributions, and for their cooperation in letting this bill pass.

I commend the bill to the House.

Bill read the second time.

Bill read the third time.

HOMES TASMANIA BILL 2022 (No. 35)

Bill returned from the Legislative Council with amendments.

Mr BARNETT (Lyons - Minister for State Development, Construction and Housing) - Mr Speaker, I move that last-mentioned message be taken into consideration forthwith.

Motion agreed to.

In Committee - Consideration of Amendments from Legislative Council

[12.31 p.m.]

Mr BARNETT - Chair, I am pleased on behalf of the Government to indicate our strong support, not just for the bill, but also for those amendments that have been proposed upstairs. We support them all. I take this opportunity to thank those members for that support.

I move -

That the Council amendments be agreed to.

[12.32 p.m.]

Ms HADDAD - My colleagues in the upper House supported these amendments. I believe almost all of them were put up by the member for Nelson; I am not sure if I missed any. We supported them in the upper House and we will support them here, notwithstanding that we opposed the bill upstairs and in this place.

I also note amendments that were made in particular to change wording from housing being 'a fundamental human need', to being 'a fundamental human right'. There is a difference in that language that is important to note, and it is a welcome change.

One of the amendments inserts a part into the bill that will ensure there is more consultation with housing providers, housing support providers, community support providers, and others who provide services related to homelessness, as well as individual members of the community who are accessing those services. That is a very important and welcome change as well.

I know there are differing views across the two sides of the Chamber about moving forward with Homes Tasmania. I know that the bill has passed the upper House, and I believe that those changes that have been made in the upper House do improve the bill, notwithstanding that we are fundamentally opposed to the philosophical change that has been provided by this Government.

We are not opposed to action on housing and homelessness. Everybody recognises that more needs to be done, and urgently, particularly when it comes to emergency housing solutions for people who are sleeping rough. The promise of 10 000 houses in 10 years is a welcome one, and I have been on public record many times to say that we want the Government to able to meet that promise, because we will need those houses and more by that time. In the meantime, there are hundreds of Tasmanians who are sleeping rough, and thousands who are waiting on the public housing waitlist, in danger of some insecure housing situations. More emergency responses are needed now.

Yesterday, the minister said he is disappointed that Labor has remained opposed to this bill. There are philosophical reasons for that. Putting housing responsibility at arm's length of Government into a new statutory authority is something that we are fundamentally opposed to as a Labor Party. I take the minister at his word that he, as an individual, is committed to these things and is committed to accountability. However, he will not always be the person in that chair. Putting housing policy, housing provision, and housing responsibility at arms-length from Government is something that should worry Tasmanians.

It is a fundamental philosophical responsibility of government and a moral duty of government to provide government and social housing for those who need it. Setting up a separate statutory authority does threaten that to an extent and it is something we should be worried about into the future.

I hope I am proved wrong and the Government will be able to act more nimbly, more swiftly and increase housing supply. I do have the genuine concerns still that I put on the

record during our lengthy debate on the bill. Notwithstanding my philosophical opposition to putting housing at arm's length of Government, my serious concerns are about whether or not the new statutory authority will be able to act more nimbly and quickly, as the minister hopes.

As I said, I am an optimist. I hope I am proved wrong on that, but I am genuinely worried there is the potential it could have the opposite effect because there are no new powers created for Homes Tasmania over and above those that are held by Housing Tasmania right now, sitting within the State Service. There are no new powers created for Homes Tasmania over and above what Government could be doing right now. For that reason and for some of the governance structure reasons I have put on the record during the substantive debate, I am worried it could have the unintended opposite effect of slowing down the ability to make decisions to purchase land and property suitable for social housing. That is something we will continue to have a watching brief over.

In particular, one of my other substantive concerns I put on the record last time is the minister told us about the ability for Homes Tasmania to potentially borrow money in ways that Housing Tasmania currently is unable to do. However, I am not satisfied the minister provided the parliament and the Tasmanian people with enough information about how Homes Tasmania will be expected to service that debt. Tasmania was unable to continue to service the Commonwealth state housing debt and it was welcomed that the debt was wiped by federal Commonwealth government. I am worried if it comes to a time when Homes Tasmania is able to carry a significant amount of debt I do not know what the forward planning is from the minister and from the Government to be able to service that debt, other than through tenant rents. I do not know because I asked and was not provided with an answer from the minister during the substantive debate, whether there are other anticipated sources of revenue for Homes Tasmania that Housing Tasmania cannot access right now that would assist them to service that debt.

As I said on the substantive debate, Labor remains opposed to the creation of a new statutory authority outside of Government. It does feel like a removal of moral and social responsibility of Government to oversee and provide social and government housing. In addition, I am worried about the fact there are no active new powers created for Homes Tasmania over and above what are already held in Housing Tasmania.

No-one denies we are in a significant housing crisis right now and that is a direct result of housing inaction by the minister's predecessors over nearly one decade in government. That has led us to where we are. We are paying the price for that now and Tasmanians are paying the price of that housing inaction. If the Government had simply kept pace with the speed at which the former government was providing new social and government housing there would be 3000 fewer Tasmanians waiting on the social housing wait list right now. That is a significant number. The list has gone up under this Government from about 2100 families waiting to more than 4500 families waiting. That is as a direct result of housing inaction from the Hodgman government, the Gutwein government and now the Rockliff Government. The wait time when they came to government in 2014 was around 21 weeks. That is still a long time to be waiting in insecure housing. It has now exploded to around 90 weeks and those are the people this parliament is responsible for representing and for assisting.

Those are people this Government is responsible for representing and assisting. It is those people who should be in our minds when significant changes like this are made to public services.

Everyone knows more needs to be done and urgently, that we would not be at the stage we are at in terms of the significant housing crisis had the minister's predecessors had the focus on social housing that the former government had - we simply would not.

We are playing catch-up now. We need more action immediately. We welcome the 10 000 houses in 10 years, but we know that the Government is already falling short of their own targets in delivering on that promise. In the meantime, we need increased emergency housing options for those who are sleeping rough, couch-surfing -

CHAIR - Ms Haddad, I remind you about relevance. We are talking about the amendments and not actually the bill, thank you.

Ms O'Connor - No.

Ms HADDAD - Thank you, Mr Chair.

CHAIR - Are you questioning the rule of the Chair, Ms O'Connor?

Ms O'Connor - No, I am questioning the arbitrary nature of that ruling.

Ms HADDAD - Mr Chair, I have almost concluded my comments. I have 30 seconds left on the clock. I put my concerns on the record during the substantive debate. I would argue these amendments are relevant to the act, Mr Chair. It is pretty hard to argue that they are not but thank you for that intervention towards the end of my comments.

I conclude my remarks by indicating we will support these amendments, as we did in the upper House, but that we remain opposed to the bill.

[12.42 p.m.]

Ms O'CONNOR - Mr Chair, the Greens remain opposed to this legislation. It is a neo-Liberal solution to a housing crisis created by neo-Liberal policy failure, successive governments - Abbott, Turnbull, Morrison, Hodgman, Gutwein, Rockliff - to adequately invest in the delivery of social and affordable housing.

I take on board what Ms Haddad said. I thought her contribution was very strong. When you talk about playing catch-up, we are so far behind. The housing inquiry initiated by the previous member for Franklin, Ms Standen, found as at two years ago at the point when we had heard from community sector organisations, stakeholders and people experiencing homelessness was that we have about 11 000 homes short.

I note one of the changes that has been made in the amendments was one the Greens had argued for in briefings and in the House. That is to recognise that housing is not just a basic human need but it is a fundamental human right. That is a significant recognition within the final bill about the fact that housing is a fundamental human right.

For 46 years the Homes Act of Tasmania has been serving this island and its people very well despite the shortage of investment from governments at all levels in increasing the supply of social housing. This legislation is developer-driven, it is looking to create a new structure instead of dealing with the challenges you have and enabling and empowering Housing Tasmania to do the work it does so well. That is to invest in social and affordable housing, to

work with community housing providers who are managing tenancies, to help create liveable communities that provide people with opportunities.

Another amendment is a transparency amendment which is quite an interesting amendment to clause 26 which requires in its annual report that Homes Tasmania detail projects for the development of land or buildings, or both, in relation to which Homes Tasmania has during the financial year entered into a contract or other arrangement under which Homes Tasmania is to expend an amount that is more than the prescribed amount or $8 million, whichever is the higher amount. That goes to the need for oversight of the operations of Homes Tasmania. We had hoped to have the Public Works Committee involved in the oversight of Homes Tasmania's borrowing and expenditure but we were unsuccessful there, so that is something of a step forward.

On a process issue, these amendments were put on the table, I believe, after question time this morning. The House has had maybe an hour and a bit to examine the amendments and we were given no forewarning by Government that it would come on at this point. This is pretty insulting to other members and to having a robust legislative process. I do not know why other members and parties were not told that it was the plan to bring on these amendments today. There have been other amendment bills where, if it is the intention of government to pass them through this place after they have come back from the other place, we were given fair warning. Not with this bill, not with these amendments. It is poor form and not in good faith.

I wonder if it is part of the minister's plan to have it go through in the first half of the day so he can put out a media release dumping all over Labor for not supporting the corporatisation of a public housing agency. I believe that is what is happening here; it is about the media cycle. Again, more cynical manipulation of the forms of this House in order to play politics over a piece of legislation which, it is fair to say, does not have strong support from the parliament. That is because this minister did not make the case for externalising our social housing agency.

You have a previous Housing minister, in me, who was completely unconvinced and you have a Housing spokesperson in Labor who has experience within that agency who again is unconvinced. We have a background with Housing Tasmania and we see this legislation for what it is. It is neoliberalism writ large and the amendments we are dealing with now will make no difference to that fact, not fundamentally.

This is a sad day because Housing Tasmania is being pushed out of a government department and turned into a statutory authority. There are going to be oversight challenges. We see that any time government externalises one of its core responsibilities. We see it through the GBE process all the time. We see it with TasWater, where it is very difficult to get transparency and line of sight to these statutory bodies or government business enterprises.

We remain adamantly opposed to this legislation. It is obnoxious and it has not been well thought through at all. It is a brain burp. Of course, like Ms Haddad, I would love to be wrong.

Mr Jaensch - You supported it.

Ms O'CONNOR - No, we certainly did not. I would love to be wrong. I would love for this to be the structure that delivers the housing, but let the House not forget that the new money for Housing in that last Budget is about $130 million over four years, from memory, and the

promise of $1.5 billion to build 10 000 new homes by 2032 is in the out years, past the forward Estimates, so it is really Monopoly money we are talking about and it is offensive when government says it is investing $1.5 billion into Housing when it has only fronted up a fraction of that amount.

Of course we want this structure to work and for this minister to be a successful Housing minister, but I think there is great potential that in years to come we will look back on this bill and this debate and realise it was the wrong approach.

[12.50 p.m.]

Mr O'BYRNE - Mr Chair, this is worse than sad. This is a very dark day in public policy in Tasmania. Whilst I acknowledge the work of the other place in moving the amendments to slightly improve the bill and the conduct of this homes authority, it does not wipe away the darkness of this decision. This is an abrogation of the state Government's fundamental responsibilities. This is like effectively going to the Royal Hobart Hospital and doing a deal with a private medical operator to say, 'We can't run the hospital anymore, how about you run it and we'll set up a separate board to do it?'.

Everyone says run in your lane, this is a federal government responsibility, this is local government. What is a state government's responsibility? Health, housing and education. They are fundamental parts of their job and here we have, in the face of a crisis, the Government running away from the solution and the amendments from the other place do not fundamentally change that position.

This is an outrageous bill. This is the biggest change in public housing in Tasmania since the 1930s. In question time today the minister quoted an opinion piece and I will not criticise the person who wrote that or the organisation they represent, but they got it right in one thing, that a change needs to be made. Why does change need to be made? It is because your Government has failed.

Mr CHAIR - Mr O'Byrne, we are talking about the amendments, not the bill.

Mr O'BYRNE - The amendments to the bill do not fundamentally alter the problem with this bill. Community sector representatives are right: a change needs to be made. They want government to actually take responsibility and act. Under this Government, the last nine budgets, the last eight years pushing into the ninth year, each year Housing has got worse. The policy announcement from this Government is not playing catch-up. I take your point that it was a wonderful contribution from the Labor shadow on this before and you were, out of a good gesture and goodwill, trying to find a shard of light in this very dark room. However, to say they are playing catch-up, they are not. It is getting worse and they are falling further behind.

Mr CHAIR - Mr O'Byrne, which amendment are you actually talking about at the moment?

Mr O'BYRNE - They are moved as a job lot and I am talking about all of them. Is that all right?

Mr CHAIR - Please try to be relevant to them.

Mr O'BYRNE - I believe that in the minister's heart, he thinks he is trying to do the right thing. He has inherited this decision, but he is the agent of this change. This has your name on it, minister. No other state, despite all the difficulties that other state governments are dealing with, have moved to pushing the responsibility of housing so far away from the heart of government, so far away from Cabinet.

Their defence is to say it will be more nimble, more flexible, more able to respond to the needs as they evolve. You set up the Macquarie Point Development Corporation that was designed to do those things. Look at the abject failure of that, not so much of the individuals, although there is a critique of that, but structurally the Government gave away the job. You have given away the job to put a roof over people's heads, minister. You have abrogated this Government's responsibility.

I repeat, this is the biggest change in social and public housing governance in Tasmania since the 1930s. It is not reform, it is regression. It is actually pre the1930s change when it was left to the market, when it was left at arm's length from government to provide housing. You have had representations from individuals desperate for housing and I know with goodwill and good intent you have tried to respond, and I do not doubt your personal motivations, but this makes it harder now for you as minister, and for any minister that follows you, to find a solution and manage the problem.

The community sector is right to call for change. This is not the change that will fix this. It is like putting a coat of paint on a bombed-out building. It does not make it liveable. It still does not make it work and it will not resolve the problem.

I thank those members in the upper House who fought against this. One vote different could have made things very different in the upper House and their consideration of this bill.

Just because people are in such desperate times, and people feel so helpless in times of a crisis, it does not mean that you prescribe more of the medicine that does not work - which is, allow the market to do it. We have seen that with the fast-tracked legislation that was put through this House in 2018 with those land supply orders of Crown land, where now half, probably more, will not actually go to the people who desperately need it. Those small pockets of land in established suburbs that could have been public, social and affordable. The programs you mentioned earlier in your contribution, minister, and in question time, about 'rent to buy' opportunities and first home buyer opportunities. None of those people will get access to over half of those blocks in a time of the most dire set of circumstances that we face.

I have been consistent from day one. I have not entertained this as a solution, as soon as I heard it announced. It was wrong when the then premier, Peter Gutwein, announced the reform in February this year. It was wrong when the new Premier endorsed it. It was wrong under the previous housing minister, and it is wrong today.

Goodness me, if you can throw enough money at it, we might get some progress in terms of housing, but it will not be because of this new structure. It will not be because of that. It is because you have good people trying to make the best of what is a very sorry and sad situation in this state.

This is a shocker. This is disgraceful. Let us hope a future government can see the error of this bill and bring it back into government responsibility. We would never think about giving

away education and health. We would never think about doing that but giving away housing to a corporatised entity is a disgrace. I cannot support it.

Amendments agreed to.

Resolution reported.

Mr SPEAKER - The question is that the resolution to agree to the amendments of the Legislative Council be agreed to.

The House divided -

AYES 11	**NOES 11**
Mrs Alexander	Dr Broad
Ms Archer	Ms Dow
Mr Barnett	Ms Finlay
Mr Ellis	Ms Haddad
Mr Ferguson	Ms Johnston
Mr Jaensch	Mr O'Byrne
Ms Ogilvie	Ms O'Byrne
Mr Street	Ms O'Connor
Mr Tucker	Ms White
Mr Wood	Mr Winter (Teller)
Mr Young (Teller)	Dr Woodruff

PAIRS

Mr Rockliff	Ms Butler

Mr SPEAKER - The result of the division being Ayes 11, Noes 11, in accordance with standing order 167, I cast my vote with the Ayes.

Resolution agreed to.

Sitting suspended from 1.04 p.m. to 2.30 p.m.

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2022 (No 29)

In Committee

Continued from 28 September 2022 (page 46).

Clause 9 -
Section 60F amended (Contents of major project proposal)

Mr FERGUSON - To pick up from the discussion from yesterday, I have taken advice on the member's question. This is a question about clause 9 and the way in which the preliminary studies process might work. The process for preliminary studies is as follows: If

the proponent thinks that a preliminary study is required they will identify this in the project proposal and then, after a project is declared, the project can apply to the commission or panel or a regulator, where relevant, for a permit to undertake preliminary studies where one is required. The commission, panel or regulator can, at its discretion issue a permit for the preliminary studies to be undertaken, subject to any conditions or restrictions it thinks fit.

The reason this process is required is because under section 60D of the LUPA Act once a major project is declared, any undetermined permit application relating to a major project will be withdrawn and absorbed into the major projects' assessment process. This includes a permit application for investigative studies. Currently, declaring a major project precludes permits being granted for these studies until the assessment criteria have been determined.

The new process will enable regulators or the commission to permit the proponent undertaking necessary surveys or studies which may be time sensitive or seasonal. An example for that might be such as in regard to migratory species. It allows for that to happen earlier in the process without losing unnecessary time, noting of course that something like a migratory bird species would entirely be seasonally relevant and you might want to be able to capture without having to delay the whole process, let us say for a further 12 month period until that next migratory process might take place. I hope that captures the answer that you are looking for.

I am happy to take any further questions.

Dr WOODRUFF - Thank you. On that example that you gave, this is about the major project proposal and it enabling, as the example that you gave, some studies to be done which would form part of the submission by the proponent for the assessment process.

Regarding the manner in which those studies are undertaken, would the criteria be retrospectively approved and accepted by the regulator? This stage does not necessarily go to any regulators. It is just in the very initial stages but if, indeed, there is important research that is time-sensitive then that obviously ought to fulfil certain criteria to make sure it is satisfactory. My question is: is the manner in which those studies that are done that are time sensitive able to be retrospectively critiqued by a regulator at a later point?

Ms DOW - Chair, I have another question in line with that if I could ask it.

Mr DEPUTY CHAIR - Of course.

Ms DOW - Why was this not included in the first iteration of the draft and what has prompted this change in the stages, please?

Mr FERGUSON - I will do those one at a time. First, thank you for both questions.

To Dr Woodruff's question. I would not use the word 'retrospective' and I am not sure if that is exactly what you meant either, but tell me if it was. The permit for studies would be given by the regulator. That is a proactive or forward-looking permit for those studies to then be done. The permit itself would say how those studies must be undertaken. In my earlier answer I talked about, for example, some permit conditions for those preliminary works. I said that the commission or panel or regulator can, at its discretion, issue a permit for the preliminary studies to be undertaken subject to any conditions or restrictions it thinks fit. Then, those

preliminary studies would commence or even be completed, following which the assessment criteria would be issued. If the relevant regulators are not satisfied, a major project impact statement adequately addresses the assessment criteria, the panel and each of the relevant regulators have the capacity to require the proponent to prepare an amended major project impact statement. This allows those assessing the major project to ensure adequate studies and investigations have been carried out, as required by the assessment criteria.

I will start that again to try to pick up your use of the word 'retrospective'. It is not that the assessment criteria would be retrospective. It is more that in advance of the assessment criteria being established that at least those preliminary studies could have been done in advance of those guidelines being prepared and assist in the future assessment of the project against those assessment criteria. I hope that is a well-rounded, satisfactory answer.

I will come back to Ms Dow. Thank you for your question. If I pick you up correctly I think you asked why it was not included in the draft bill. Perhaps what you meant to ask me was the original bill.

Ms Dow - The original bill, I meant to say.

Mr FERGUSON - The original bill, yes. Thank you. You threw me a bit there. It is good to test me. It is doing that and of course it was in the draft bill. I accept and we all agree that your question was really was why was it not in the bill originally, or at least the original legislation. The answer is simply that it was not known as an issue at that time. It was not identified as an issue. When that legislation was taken through by the very good and skilful hands of Mr Jaensch it was not known or believed that this would be an issue. It was understood at the time that waiting something like three months for the assessment criteria would have been okay, and would have been seen as reasonable and acceptable.

For example, with the Bridgewater bridge, which has been our first test of this legislation, a 'design and construct' project actually requires this approach, a more - if I can put it this way - client-friendly approach. That is why the improvement has been identified in the meantime. It is the case that while the Bridgewater bridge project was being advanced through this process, the project would have really appreciated being able to do preliminary studies before the assessment criteria were established.

I asked my advisers for an example of that; an example is Aboriginal heritage. While not seasonal, it was identified that this would be an example of some preliminary study work that would have been really good and may have helped to shape the process, or allow it to happen more quickly, if that work had been allowed to be done. It was not a major flaw or major impediment, but if we want to be efficient and client friendly without compromising on the integrity of the process, that would be the reason we are here today.

I can imagine that there is another example. Even the Bridgewater Bridge, with the causeway, which was built by convicts - which, by the way, is the main reason it is a heritage place. Did you know that? It is not the bridge itself at all. It is the place. The causeway was built with pick and shovel and wheelbarrows, and possibly the cat o' nine tails. It is possible, for example, if you want to get a really good look at it, maybe there was an ebb tide where you get a really low tide, and it may happen once a year. Maybe that would be an example. If you had had the permission to do the preliminary survey work around the very base of that causeway when it was above water and at very low tide, it might be something that only

happens once a year. I have just made that up, but that is the point of what we are seeking to do here.

It is really an improvement, rather than fixing a flaw as such, but it is certainly something where a lesson was learned on the way through with the first project. I hope that is a helpful answer. Anything further at all?

Clause 9 agreed to.

Clauses 10 to 15 agreed to.

Clause 16 -
Section 60ZA amended (Relevant regulator to give notice of assessment, no assessment, or recommending revocation)

Dr WOODRUFF - This is saying that the relevant regulator is to give a notice of assessment, no assessment, or can recommend revocation. As I understand, it is when a regulator, other than the EPA board, is required to give a notice in relation to a major project within a certain period, but fails to give a notice in that period, then the panel takes that to mean that there is, by default, an assumption that no assessment requirements are required in relation to the major project. In other words, no answer is an answer without it being written in writing.

The second part, subsection (10), has it that the commission may, after three weeks and before 25 days after it has been referred, send a notice to the regulator to advise them of the requirements of the section to provide a notice. I find that very confusing.

Subsection (9) says, if you do not answer, we will take it to mean you are okay with it. Then subsection (10) says, if we feel like it, or if we think in a particular situation you may have forgotten to look at your email trail, we are going to jog you after three weeks and say, hey, are you sure that is what you really think. It is a bit discretionary. I am not comfortable with the discretionary aspect of it, and I am not comfortable with the assessment.

The point of the regulator making a notice is that it is the regulator who understands whether there needs to be an assessment required. This is putting the onus on the panel, saying the panel gets to make the final decision about whether the regulator really needs to do the assessment or not, in the instance that the regulator has failed to respond. I do not think there are sufficient checks and balances. Frankly, it is pretty slack. You are setting up a pretty dire situation where regulators cannot respond.

How many major projects are there? They do not fall out of the sky on a monthly basis. The idea that regulators are so overrun that we have to write legislation, that they cannot even respond to a request to make a notice to the panel, I find disturbing. Basic checks and balances for our regulators would mean they would at least get back and say, no thanks, it is all good here. It does not make sense and it is not good enough.

I hope you might be interested in rectifying that situation. Or, if you do not want to do it here, you might consider making a change to that. I will wait to hear your answer.

Mr FERGUSON - I think we are going to have one of those 'may' and 'must' discussions.

Dr Woodruff - Even if they are 'may' or 'must', it still does not take away from the points I was raising about the fact that subsection (9) requires them to do something, but then they do not have to, and then subsection (10) says we might try to make you.

Mr FERGUSON - All right, there is a bit of a logical discussion that I am going to attempt. We will see how my science teaching and Boolean logic holds up today.

Dr Woodruff, thank you for your question. First of all, I will refer the House and the Committee to section 60Y in the act, which is shortly before the provisions that we are amending with this bill in clause 16 which amends section 60ZA. If I take you back to 60Y, I start by noting that it is fair, because in the first instance the commission is obliged to notify each relevant regulator in relation to the major project within seven days of itself being notified of the declaration. While you have drawn my attention to the word 'may' as a kind of reminder notice or reminder service, in the first instance, though, the relevant regulator has been notified at least once in a very formal way and that of course is self-evident as to why.

Section 60ZA currently provides a mandatory requirement for a regulator to provide a notice of their assessment requirements, or a notice of no assessment requirements, or a notice of recommending revocation of a major project. As I am sure you are aware, the action must occur within 28 days of receiving the major project proposal documentation from the commission. I am not aware of a circumstance currently, particularly after the Bridgewater bridge, if there was a circumstance where a regulator failed to respond. I think not. I am seeing nods; I am seeing shakes. All of the regulators responded appropriately - I am getting nods.

It has been identified, however - and I am going through this by the hardworking people at the State Planning office and others - that it is currently a weakness in the act that we do not have a failsafe in the unlikely scenario that a regulator fails to respond as they are required to do. I have also been reminded that each regulator also operates under its own legislation and each of them have an obligation to assess, but as to this legislation, my advice is it will improve the act to provide for the unlikely circumstance that a regulator has failed to do their duty to get back to the commission or the panel with their advice, whether it was a notice of their assessment requirements, or a notice of no assessment requirements, or a notice recommending revocation.

You have drawn my attention to proposed subsection (10), where the commission may, between days 21 and 25 within that original 28-day window, effectively send a reminder to say, 'Because we have not heard from you after 21 days we are concerned that there is only a week to go, so we are going to give you another further reminder of your original obligations'. The reason I am advised that 'may' is there is for two reasons: one, if the regulator has already responded, then of course we would not want to have to force the commission to remind them again when they have actually done their job and responded appropriately; and two, we do not want to create a circular loop, or a logical block here that if the commission itself failed to send a reminder notice that the whole thing comes to a complete stop for no good reason. I wonder if I have expressed myself adequately.

The commission must in all cases have provided the original notice. It does not in all circumstances have to provide a reminder. The regulator must still provide the response, whether it was the notice of their assessment requirements, or a notice of no assessment, or a notice of recommending revocation. However, if they did not we needed to terminate the scenario; that is that the regulator has been provided with an opportunity to give their response

and to provide their requirements. In the event that they failed to do so, it should be taken as deemed that notice of no assessment requirements would apply.

That is my response to your question. It is about making sure that we have failsafe legislation so that a client project is not inadvertently disadvantaged only because a regulator did not give their response in proper time. In order to be reasonable, the bill provides for the commission to send a reminder - I am using the word 'reminder' but the more formal words are laid out in the clause - to send a notice to the relevant regulator effectively advising them again of the requirements of this section 60ZA.

It stands to reason that if there is no response from a regulator then there would be no cause for them to be concerned. We are not trying to be sneaky here. If the regulator has failed to do so after 21 days they might need a few more days and they will not be in any strife because they have not come up against the 28 days. Nonetheless, a reminder can be provided with the same notice as would have originally been the case in 60Y(1)(a). I hope that satisfies you, Dr Woodruff.

Dr WOODRUFF - Thank you, minister, you have explained one issue but I believe you have misinterpreted my underlying concern. I do not agree that the response that has been put into this bill fixes the problem I have identified. Yes, the commission is required to give an initial notice to the regulator. It is only relevant regulators so it is not all regulators in Tasmania. It is only relevant ones. The commission has already identified that it would expect those regulators to have a view about the major project and what assessment is required from the regulators' point of view. The commission writes to the regulators asking for a response and what this says is that after 21 days the commission may, between 21 and 25 days, write back and say, 'We have not heard from you'.

The problem is because it says 'may'; they do not have to do that. There might be some reason why they do not do that and it still leaves the opportunity under subsection (9) of the regulator not responding, meaning there is no assessment required. The problem could be fixed if subsection (10) said:

> If no notice has been received at 21 days, the Commission should, before 21 days, contact the regulator

That would solve the problem. It is only a small thing, but some of the major projects we are talking about are massive. For the absence of any doubt, we would not want the possibility of a response not being received.

Mr FERGUSON - Dr Woodruff, I appreciate where you are coming from. I listened carefully to your proposed suggestion, although I know you are not circulating it as an amendment, but you are challenging the clause, which I welcome.

I am assured by my advisers that the use of that word 'should' would open up a potentially very legal grey area as to whether that test has been met or not. There are very clear conventions on the use of 'may' and 'must'. I am strongly advised that this is the robust drafting that is appropriate in these circumstances. I must reinforce that section 60Y of the principal act already has an obligation on the commission that it must provide each relevant regulator with the notice.

Dr Woodruff - Yes. That is only the commission to the regulator - not the regulator back to the commission.

Mr FERGUSON - Yes, but in the event that the regulator has failed to respond to that notice, the legislation needs to countenance that scenario. I believe we might agree on that, at least.

Dr Woodruff - We do.

Mr FERGUSON - All that is happening here is that it is not so much a lesson learned from the Bridgewater bridge because somebody failed to get back to the commission; that is not what happened. However, it has been identified that the legislation does not countenance that possibility and report to. It needs to lead on the 'flow chart', if you like, of the sequence of steps that happens with a major project assessment. In the scenario where a regulator has failed to actually provide a notice, that box needs to lead somewhere. Currently, it potentially terminates and stops the process, which we would not want to see happen.

It is important that we have the failure to respond to a properly given notice deemed as no assessment required. You can imagine that if I sent you an invitation to my 49th birthday party next March, and if you fail to get back to me I will assume you do not want to come. If you do not answer my letter, I will assume you are not interested, that you are not coming to my 49th birthday.

Dr Woodruff - You do not even have to write legislation about it.

Mr FERGUSON - However, I do need to, in the legislation, ensure that it is adequate for the scenario in which the regulator failed to respond. Therefore, the assumption being made in the legislation is that there is no assessment required.

The use of that word 'should', as you have proposed, poses new problems in a court of law, which would have to test whether a participant has acted in the right way, opens up a can of worms in terms of interpretation, which we would not want to introduce into the legislation.

I accept you have attempted to bring forward a form of words that creates a scenario that if, after a certain number of days, the regulator has not responded, then the commission should serve the notice again. I am advised that would be problematic for the reason of the word 'should'.

However, the language used in proposed subsection (10) deals with two scenarios. First of all, the scenario that the regulator did provide a response; you would not want the commission to be forced to provide a notice again because the test has been met.

In the second scenario, that a response had not been received, we do not want to create a new obstacle because the commission, for whatever reason, did not send the reminder notice, and somehow it is on the commission, and it is their fault for not providing a reminder notice - so then the process terminates again. We then create another problem: a different one, but a new problem that the process terminates only because somebody did not do something which was effectively optional - in this case, a reminder service.

I would not support any further change or proposals around that. I hope my explanation is satisfactory.

Dr Woodruff - To be clear, you do not foresee a problem with the regulator not responding. This whole subsection is about not putting a full stop to the process, preventing that happening.

Mr FERGUSON - That is a good way to express it. I am advised that each act - for example, the EPA operates under its act, Aboriginal Heritage Council operates under its act, and they are obliged in each case to provide their assessment. However, this LUPA legislation stands separate. We want the major project assessment process to be a clean-run process, without any inadvertent full stops, to use your words - or in my words, a termination of the process - only because somebody had not done something they were obliged to do.

What we are saying, though, is that a reasonable person would say, if a regulator has been provided with the notice and they have failed to respond, they have obviously failed to see the importance or relevance of it, and we will deem that to mean no assessment requirement.

As a matter of good practice, we intend following the passage of this legislation - that in that scenario, after 21 days, the commission is empowered to go back in and remind the regulator: that we have not heard from you, probably you are running perfectly well on time and you are expecting to get it in within the 28-day period, but in case you have overlooked it, here is a further reminder but that is not an obligatory step on the commission. It is only one to enable best effort to achieve the regulator responding as is professional and as is expected.

Dr Woodruff - Thank you.

Clause 16 agreed to.

Clauses 17 to 30 agreed to.

Clause 31 -
Section 60ZZZ substituted

Dr WOODRUFF - Section 60ZZZ is about the process for an application for significant amendment of major project permits. Subsection (1) is that an altered use or development in relation to a major project means the use or development that is:

(a) is in addition to, or in substitution of, the uses and developments to which the major project permit relates; or

(b) is of a scale or character that is different from the uses and developments to which the major project permit relates; or

(c) may result in an increase in detriment to a person other than the proponent of the major project;

That is substantially the same words in a different format to the act. This bill moves things around but keeps a lot of the same words. We have the same problem with this bill as we had with the act, which is that it only talks about an altered use or development in terms of

the detrimental impacts to a person and does not specify clearly enough the potential for detrimental impacts to the environment. What we sought to do in this amendment - and there are four amendments - but I am going to take first and second amendments. Chair, I will read them in now.

First amendment

Page 74, clause 31, proposed substituted section 60ZZZ, subsection (1), definition of *altered use or development*, paragraph (c).

Leave out 'project,'.

Insert instead 'project, or'.

Second Amendment

Page 74, clause 31, proposed substituted section 60ZZZ, subsection (1), definition of *altered use or development* after paragraph (c).

Insert the following paragraph:

(d) may result in -

(i) an increase in the instances of, or volume, intensity or duration of, environmental nuisance; or

(ii) an increase in the instances, adverse effects, or scale of material environmental harm or serious environmental harm;'

I can foreshadow members can see for themselves that the next two amendments relate to the definitions of material environmental harm, serious environmental harm and environmental nuisance.

We are linking this to the Environmental Management and Pollution Control Act and we are concerned that, as it stands at the moment, an altered use or development for a major project permit does not have to mean something that would have a substantial increase in the impact on the environment either as an environmental nuisance or material environmental harm or serious environmental harm. We can imagine a number of situations where it would be very important to document those impacts. It is a serious gap at the moment. There is no way that you can argue that subpart (c), which talks about the result in an increasing detriment to a person other than the proponent of the major project, would include the potential for serious nuisance or environmental harm.

It is manifestly obvious that when we are looking at the impacts for major projects the underlying act itself talks about the impact of social, environmental and economic impacts and so any altered use for a development also must take account of the impacts on the environment.

Mr FERGUSON - Thank you, Dr Woodruff. This has a bit of complexity to it. I am very comfortable explaining the drafting as it is and indicate that what you are seeking to do,

Dr Woodruff, with your amendment, is not, in principle opposed, but the reason I would not and the Government would not agree to your amendment is because it is already covered. What we are seeking to do here is to provide a mechanism for an amendment to be made, in this case, a significant amendment where we have dealt in other parts of the bill on minor amendments.

In this section where an altered use or development is identified as a significant amendment for a major project permit, we need a process that allows that to be rigorously assessed without, as I said in my second reading speech, starting the whole process from the beginning. You have chosen words which relate, in particular, to environmental harms and environmental impacts, environmental volumes and intensities and adverse effects and material environmental harm, all of which are covered already.

If I go back to first principles, the definition of 'altered use or development' currently allows for three types of uses and development that could be a significant amendment. The amendment adds an additional type of use and development that could be a significant amendment. The definition of 'significant amendment' authorises one of the categories set out in the definition. This is provided an additional category of altered use or development that could be considered as a significant amendment that is not currently provided for. You might argue that you want to see, for example, an increase in the intensity of environmental nuisance to be considered as an additional category under the definition for 'altered use or development'.

What I am arguing is that what you are seeking to do is already covered. It is a subset of the existing categories of the definition for 'altered use or development'. It is therefore unnecessary, because those things are already in subclauses (a), (b), and (c) of this section.

I would like to provide a further reassurance. Any proposed significant amendment will, as a matter of course, be referred to the EPA as a relevant regulator and dealt with as part of their requirements. In their case, under the Environmental Management and Pollution Control Act 1994, the requirements of other regulators also do not need to be duplicated in the LUPA Act. For example, you might have come to me with an amendment very like the one in front of us that deals with an increase in the adverse effects on Aboriginal heritage. I would make the same argument: that it is already covered in categories (a), (b), and (c), and would be referred to the relevant regulator, in that case Aboriginal Heritage Council - and we are back to where we were.

Any proposed significant amendment will, as a matter of course, be referred to the EPA as the relevant regulator and dealt with. The requirements of other regulators also are not duplicated in the LUPA Act. The definition of 'altered use or development' contains the land use planning categories that funnel you into the significant amendment process. As to whether the use or development will cause an increase in material, environmental harm, or environmental nuisance, et cetera, will be determined by that regulator as part of their assessment process.

Taking a step back, I do not disagree with your intentions. However, in the way you are seeking to make the amendment, I invite you to reconsider it because it is already covered and it would just be redundant in the legislation, which would not be supported. I am happy to discuss further but the Government would not be able to support that amendment.

Dr WOODRUFF - Thank you for that. Can you explain to me then why we need part (c)? What provoked that amendment in the first place is because of part (c). There is also

nothing in parts (a) and (b) that relates to intensity, scale, or you could possible argue that scale would cover volume. It is not necessarily going to cover duration, and it does not necessarily cover intensity.

I also do not understand why part (c) is there at all. I think what you are saying is that the whole major projects process is looking at a whole range of things in the assessment process. I agree that is already stated in economic, material, and social environmental impacts that have to deal with those things in part (a) and part (b), so why do we need part (c)?

Mr FERGUSON - Thank you, Dr Woodruff, for your question, which I welcome because it allows us to compare the way in which a minor amendment differs from a significant amendment. Paragraph (c) has been provided because we need to differentiate the test for a minor amendment and the test for a significant amendment. Subsection (1)(c) is the catch-all that actually defines what is different between a significant and a minor amendment. A minor amendment cannot result in any increase in detriment to a person, so that is the reason why paragraph (c) has been drafted in that way. Does that help?

Dr WOODRUFF - Thank you, it does reinforce my need with the example you gave to stick with our amendment for the same reason that paragraph (c) only talks about a person and does not talk about material or serious environmental harm.

Mr DEPUTY CHAIR - You have already spoken on the amendment.

Dr WOODRUFF - Thank you, Deputy Chair.

Ms DOW - I am satisfied with the minister's explanation and I would have thought, going from our previous discussions on this bill when minister Jaensch took it through this place, that would have been captured in the regulatory approvals process. I was pleased to hear you reaffirm that. I will not be supporting the amendment but can you provide an example of what paragraph (c) might look like?

Mr FERGUSON - An example?

Ms DOW - Yes, to get that on the record.

Mr FERGUSON - As to what may constitute a significant amendment, my hardworking team have quickly come up with an example that would perhaps answer the question. With the Bridgewater bridge, for example, let us say that the project, for whatever good or other reason, needed to change the alignment of the bridge or an off-ramp. Let us say an off-ramp from the bridge project for some reason needed to be much closer to a group of homes. While it is a minor change in the way we might think about such a change to the design, because it would potentially be a detriment to the people who live in those homes by reason of noise, vibration or lights, that would trigger the definition to be met for a significant amendment.

Ms Dow - That would then trigger the regulatory assessment process for noise pollution and other ancillary things?

Mr FERGUSON - Yes, and in this case, the EPA would be the relevant regulator that would then step back into the process and say that they will assess it on that basis. I hope that is helpful to the Committee.

Mr DEPUTY CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter
	Mr Young (Teller)

Amendments negatived.

Dr WOODRUFF - Madam Deputy Chair, I will now read in the other two amendments we have on this clause. I move -

Third amendment -

Page 74, clause 31, proposed substituted section 60ZZZ, subsection (1), after the definition of *application*.

Insert the following definitions:

*'**environmental nuisance*** has the same meaning as in the *Environmental Management and Pollution Control Act 1994*;

material environmental harm has the same meaning as in the *Environment Management and Pollution Control Act 1994,'*

I further move -

Fourth amendment -

Page 74, clause 31, proposed substituted section 60ZZZ, subsection (1), after the definition of *proposed significant amendment*.

Insert the following definitions:

*'**serious environmental harm*** has the same meaning as in the *Environment Management and Pollution Control Act 1994*;'

They were the third and fourth amendments to this clause. We have just had the other amendments voted down so I will not labour the point. These are some consequential amendments to that previous amendment we moved, which moved to insert the definitions of 'environmental nuisance', 'material environmental harm' and 'serious environmental harm' as they are in the EMPCA legislation. We do not accept the minister's argument for including paragraph (c) without also considering the impacts on the environment as well as on people. I do take his point that it is meant to be a significant impact and that is the point we make as well, that we need to be including considering for major projects the impacts on the environment as well as the impacts on people for significant altered permits.

Mr FERGUSON - I will never deduct points for the Greens not trying and being persistent but the amendment is not supported in this case. We have dealt, I think in large part, with the reasons why the previous amendments are not needed. There is nothing particularly offensive or wrong with them but they are already covered. I will speak to the process in a moment in more detail but the Government does not agree with amending the legislation with these additional definitions, which would insert definitions for 'environmental nuisance', 'material environmental harm' and 'serious environmental harm'. They obviously would have relied on the earlier amendments being agreed to. I would argue again that an increase in detriment to a person other than the proponent is already descriptive enough to pick up a triggering of the significant amendment process.

I would like to go back to the earlier principle here that experience gained from implementing the proposed Bridgewater bridge project suggests that design improvements may be required once the major project permit is granted, leading to a need to amend the major project permit, and that the current options for amending a major project permit have potential to cause delays in the delivery of the project. If an amendment to a major project permit does not qualify as a minor amendment under section 60ZZW of the LUPA Act, then the process to amend the major project permit is long and complex or involves a submission of an entirely new major project proposal, which as I said earlier would have triggered the assessment process commencing all over again.

At present, once a major project permit has been granted, there are four types of amendments that can be made to the major project permit. The first is that the assessment panel can correct any errors or typos in the permit; two, the assessment panel can make a minor amendment to the permit provided there is no detriment to any person by the minor change to the person; three, the assessment panel can amend the permit to ensure that conditions on the permit are consistent with an environment protection notice or an environmental licence; and four, the assessment panel can determine that a significant amendment to the permit can be considered, which would then require the major project assessment process to recommence from the point as if the major project had just been declared.

The degrees of change to a major project permit and their subsequent approval process allowed to the major project permits ranges from very small to quite large. If you think about the example I gave about the Bridgewater bridge off-ramps, in terms of scope or scale of an amendment to the major project permit that there is nothing in between, a relatively small change that does not meet the requirements for a minor amendment currently becomes subject to a significant amendment process and an extensive assessment process that may not be relative to the scale or scope of change being sought for the major project permit.

With major projects, the detailed design will often not occur until after the major project permit is issued. During the detailed design work, an issue may be discovered with the site that causes the need to shift or change the design to respond to a site issue, requiring a change to the major project permit. If a proposed change to a major project permit is unable to be considered a minor amendment, then under the existing significant amendment process option, the consideration of the amendment to the major project permit requires the assembling of a new assessment panel, preparation of assessment criteria, preparation of the major project impact statement by the proponent, public exhibition of the MPIS, public hearings held by the assessment panel, and then finally issuing an amended major project permit, all the while involving the regulators in the assessment process, adding almost 300 days to the overall assessment process.

However, the change to the major project permit being requested may not trigger the need to make a new set of assessment criteria, and it would be more efficient to retain the assessment panel that granted the original major project permit. In some circumstances, all that may be required is an addendum to the MPIS, the impact statement, and then public exhibition of the proposed amendment and public hearings that are specific to the change requested. This will be a simpler and shorter process to follow than the current process for a significant amendment. Simpler and shorter, but does not cut any corners with respect to actually assessing the project with those changes under the original assessment guidelines.

The current methods to amend a major project permit appear to be missing an appropriate degree of flexibility that would enable consideration of the proposed changes to the major project permit to be considered under a process that is more relative to the scale and impact of the proposed change. Given that the scale of an amendment described above is likely to be small, then the overall steps in the assessment process should not need to be as long as for an entire or new major project. With that point in mind, it would be reasonable to reduce some of the assessment process time frames for the major project permit amendment, as well as for those less complicated amendments.

Dr Woodruff, I appreciate what you have sought to do. You have narrowed your interest in these amendments to environmental nuisances, environmental harms and serious environmental harms. I would argue again that they have been covered in the categories outlined in (a), (b) and (c) of proposed new subsection (1).

Dr Woodruff - How were they in (c)?

Mr FERGUSON - Proposed new subsection (1), because they may result in an increase in detriment to a person other than the proponent of the major project, as also covered in (a) and (b).

Dr Woodruff - But how is the environment a person?

Mr FERGUSON - We live in an environment. People live in an environment.

Dr Woodruff - That is not how the law interprets these things.

Mr FERGUSON - I am happy to seek -

Dr Woodruff - If something was to go through a forest instead of through a private landowner - a windfarm, for example. Transmission lines were intended to go in the original project development along a coast and they were going to affect communities, and a new landowner was going to be affected because a route was changed, then under this, that would trigger this process. If, however, instead of going through a person's property, the firm decided to go through state-owned forest, I do not understand that there would necessarily be a trigger.

Madam DEPUTY CHAIR - Dr Woodruff, if you would like the call again, would you please identify that, as it is considered a secondary part of your call on that particular discussion.

Dr Woodruff - Right.

Mr FERGUSON - I am happy to take it by interjection, if that is useful.

Dr Woodruff - It is a discussion. It is a serious question.

Mr FERGUSON - It is. I have heard what you have said, Dr Woodruff, in your extensive interjection, so as not to deny you your speaking opportunity, but I am not confining my remarks to only subsection 1(a), (b) and (c) - all of which, taken together, will trigger what you are hoping to trigger with your amendment.

First of all - I know I am only reading to you the bill - the first trigger being an altered use or development in relation to a major project permit, means a use of development that is in addition to or in substitution of the uses and developments to which the major project permit relates. Or, an altered use or development means a use or development that is of a scale or character that is different from the uses and developments to which the major project permit relates. That covers the example that you have just provided in your interjection. Third, as I have already discussed, would result in - and, by the way, may result in - an increase in detriment to a person other than the proponent.

They are very wide in their description, in order to capture the definition for a significant amendment in relation to an altered use or development. We really do not disagree in wanting what you are hoping to trigger, the definition to be met, but - based on my team who are with me today, and the Office of Parliamentary Counsel in designing and drafting this to achieve what I think we all hope to achieve - I would argue that we have absolutely captured and been able to deal with the concern you have in relation to environmental nuisances or harms.

Dr WOODRUFF - I hear what you are saying. The 300 days to the process - without this, you argue would require a whole new process to be started again, another whole process of assessments and all the hoo-ha. Instead, there is going to be a shortened notification time and response time from the public consultation and all the other things. You mentioned that although it is a significant change, it could be a small change. There is no guarantee it will be

a small change. It could also be a substantial change. It could be significant and substantial; both of those things.

It does not actually detail whether it is a big, significant amendment, or a small one. That is important enough, in developer's parlance. It is not uncommon, with developers, that they start somewhere, and then there is creep - and creep can have an impact on a whole lot of different users and interests. That is what we are trying to prevent.

We fundamentally disagree that the frame of the Government, in bringing into all of the planning decisions that we have that go through this place, adequately considers the environment: not as this kind of extension of human activities that is out there somewhere, but puts it front and centre in legislation, so we understand that we have to look holistically at these things. In the way you have discussed subsections (a), (b) and (c), I do not feel they do that.

As we are in an evolving ecological serious global situation, we do have to be changing the prism with which we look at all forms of planning in the future - major projects or any sorts of projects. We are sticking with those two amendments.

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

The Committee divided -

AYES 3	**NOES 20**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter
	Mr Wood (Teller)
	Mr Young

Amendments negatived.

Clause 31 agreed to and bill taken through the remaining stages.

Bill read the third time.

ROADS AND JETTIES AMENDMENT BILL 2022 (No. 12)

Second Reading

Quorum formed.

[3.57 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Speaker, I move -

That the bill be now read a second time.

I present to the House today the Roads and Jetties Amendment Bill 2022. This bill seeks to ensure the Roads and Jetties Act 1935, as it relates to some key areas, continues to be fit for purpose.

First, the bill amends the act to ensure that the minister responsible for state roads can temporarily close state roads in all circumstances where a closure is deemed necessary, such as for the protection of the travelling public or to facilitate works. The bill also modernises the act in how temporary state road closures are to be communicated and physically implemented.

Second, the bill amends the act to ensure that the powers to enter land adjoining a state road cover the full range of activities that need to be undertaken when planning, designing and delivering state road safety upgrades and maintenance.

Access to land for road-related purposes can usually be successfully negotiated with landowners. However, if access issues cannot be resolved, important safety upgrades may be delayed or technical, environmental or heritage issues might go uncovered, putting the Government at significant risk. The bill updates the act to clarify that the powers of entry do not just include entry for the purposes of maintenance or reconstruction of the road but also for other standard planning and design activities, such as investigations.

In developing this bill, the Government acknowledges that matters of entry onto land must always be dealt with carefully and sensitively. The bill sets out a clear process for entry that ensures landowners and occupiers are dealt with respectfully and that the powers are subject to a number of requirements, including compliance with all other relevant acts.

It is important to note that the use of these powers will always be informed by risk assessments that consider the impact on the land and any alternative options. While negotiating access to land will continue to be the preferred approach, it is critical that the act provides access to these powers in those situations where there are no alternatives.

Finally, the bill seeks to ensure that the state road authority is adequately equipped to manage all roadside hazards by clarifying that the powers of entry extend to taking action in relation to vegetation, structures and land formations where there is an impact on road safety or the condition of the road. In this respect, the use of such powers will be supported by the department's risk-based tree management framework, which ensures that impacts on natural and cultural values are assessed against the identified risk before undertaking vegetation works, and that any relevant approvals are sought.

In summary, this bill seeks to modernise these key parts of the act to ensure the minister responsible for State Roads can effectively manage works, activities, and hazards on the state road network. It is important for the legislation to continue to be fit for purpose, especially given this Government's significant investment in road and bridge upgrades and our ongoing commitment to making our roads safe.

Mr Speaker, I commend the bill to the House.

[4.01 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I indicate that the Labor Party will be supporting the Roads and Jetties Amendment Bill. However, there are some matters I will be asking questions about, as well as two amendments I will be seeking to move.

The Labor Party supports the intent of this bill, to make it clear about the need for the state to have access to land when they need to close a road temporarily or in order to access land if they are undertaking certain activities. The matters that have been brought to my attention commenced with consultation with the TFGA, and I thank the department for the briefing that was provided in March. This bill has been sitting in the parliament for a long time; we have been prorogued a couple of times since we first had that briefing but I have checked again with the TFGA and their concerns remain.

They relate to a couple of matters. One, of course, is the risk to biosecurity. Obviously when you have machinery or other incursions on somebody's land there are concerns about what that might mean for biosecurity risks. There is also concern about the impact on livestock that might be in paddocks. It is for that reason that one of the amendments I will be seeking to move is to propose that rather than there be only seven days' notice, there be 28 days' notice provided to landowners in order for them to relocate livestock if they are in a paddock that is going to be required for access, or to manage any biosecurity issues that are present. We are certainly not seeking to prevent access to the land. It is allowing additional time for them to be able to manage those impacts, particularly if it is an active farming property.

The other amendment I will be seeking to move came from discussions with the TFGA but I believe is relevant for any landowner. That is in relation to the same clause, which is clause 6. It picks up on the fact that the department can issue a notice electronically, via email, and that potentially could be the only way notice is provided. The matter has been brought to my attention because there is concern that whilst somebody might have received an email, they may not have checked it. If the notice period is only seven days and they have livestock in a paddock it might not be an adequate amount of time for them to have made arrangements to ensure those livestock are adequately moved to a different space.

The request as put to me, and I think it is sensible, is that certainly contact somebody via email, but if you are doing that please also contact them by one of the other methods outlined in this subsection so they can get it in hard copy or a phone call or some other way as well as an email. It is to prevent any unintended consequences or mistakes being made where somebody can have received an email which ticks the box from the point of view of this legislation that the Government has done what it needs to, but it does not confirm that person has received that notification.

It may not have been received in enough time for them to have made the appropriate adjustments for that paddock or that land, to make sure that the land is available for use as

intended. It is about making sure there is proper, thorough communication and that there is no doubt the person has received that notice and they have adequate time to ensure, particularly if they are a farm, that they have moved livestock, or biosecurity hazards or risks are mitigated.

There were other matters that were also raised in my conversation with the TFGA and I have questions about these. I do not have amendments to move, but I hope you can answer them through conversation. Subsection 39(3)(b) stipulates notice be given at least seven days or other such prescribed period before taking action. The question is, what does 'other such prescribed period' relate to? It is a bit ambiguous. Could it be a shorter period of time? It may be necessary if there is an urgent reason to access that land. I would be grateful if you could provide some further information about what an 'other such prescribed period' might be.

The other question asked of me is in relation to the closure of a state highway - and there is no opposition to this from the TFGA. They wanted to make the point that while TFGA members are supportive of the ongoing maintenance and upgrades to state roads, consideration must be given to the economic impacts of road closures for primary producers around harvest periods. Freight is becoming increasingly hard to find and expensive. Therefore disruptions to the transport of primary produce has the potential to be a very costly exercise.

Unless the public safety is at risk, at least 28 days' notice would be preferable as opposed to the seven days which is outlined in the bill currently before us, to make sure they can make alternative arrangements and appropriately manage any alternative access that might be needed, particularly for heavy machinery entering or exiting their property, or generally using a road when you are transferring harvesting machinery on a road between properties. If that road is closed for a reason, only having seven days' notice could be challenging to manage. They have asked the Government to be mindful of that and to give consideration to that, and that is also one of the reasons they have asked for the 28 days' notice period around the closure of a state road as opposed to the seven-day notice period.

The other point I will raise is a reflection on how these powers might be used in current examples that the Government is dealing with. One would be the fifth lane proposed for the Southern Outlet. I am keen to understand, minister, because we have had debates in this place and in Estimates about the Government's proposal to construct the fifth lane on the Southern Outlet, whether this bill gives the Government any additional powers to access land to undertake works that could potentially override those citizens' rights, particularly if you are only required to give seven days' notice.

I am also interested to understand what it means in a circumstance like the Tasman Highway closure that occurred last year in winter where we had the risk of a rockfall which meant the road was closed without seven days' notice. That happened very abruptly. The impact on the east coast community was quite profound with people being unable to go to school very easily, unable to make medical appointments very easily, and there was an economic impact on businesses trading on the east coast for the period the road was closed, which was quite a lengthy period of time. An alternative route was suggested through Lake Leake or through Wielangta Road. In a circumstance like that, how would this bill before the House apply, particularly given section 39(3)(b) where it has that seven-day notice period or otherwise, prescribed. You could elaborate on how this would apply in a circumstance where a road has to be closed quickly and what other obligations there are on the state Government to communicate that and take into consideration the impact of that.

We understand that in the briefings held with stakeholders, the TFGA also raised another issue in relation to the subsection and that is where the minister or a person authorised by the minister may enter upon any land adjoining any road for which the minister is the road authority, if entry upon that land is necessary for one or more of the following purposes -

> (a) to take any action necessary to maintain, reconstruct or upgrade the road;

then it goes on to (b), (c), and (d)(i). The question that was raised with me by the TFGA is that in an instance, and this is only hypothetical, and it might even have been raised in the briefing, that a dam wall was leaking or overflowing, the Government could ask for the dam to be repaired at the landowner's cost.

I have been asked to ask you about what powers does the state have to compel a landowner to undertake works on their own property if there is a circumstance like that hypothetical one I shared where there is water leaking onto the road that is undermining the pavement, for instance, because the dam wall is faulty. Who determines what is an appropriate mitigation response in that instance? What time do they have to remediate and who pays for that? The bill as drafted says to take any action necessary to maintain, reconstruct, upgrade the road which gives you fairly broad powers, I suspect.

That has been raised with me because there is concern that could put a burden on the landowner to undertake works and, particularly where that is contested, what is the process to appeal a decision that might be made by the Government if the landowner does not agree that the impact on the road has been caused by something that has occurred on their property?

Mr Speaker, I will need to go into Committee as I have amendments which I will circulate for members in the House to now have a look at. There are only the two. There are those other questions I have asked. We support the intent of the bill and support the bill but have questions about how it will apply in practice. I hope the minister is able to provide some answers to those matters.

[4.13 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, we have no real problems with the Roads and Jetties Amendment Bill 2022. I look forward to having a look at Labor's amendments.

The principal act for this bill was passed by parliament in the same year as the Homes Act 1935 and that was in a time before there was broad community and government understanding of the impacts of global heating, extreme weather events, storm surge and the like.

For members who want to understand how furious Mother Nature or the climate is right now, have a look at the pictures from Florida where Hurricane Ian has delivered a storm surge on the west coast of Florida that is between three and four metres high in some areas. That scale of catastrophe in a low-lying state like Florida will be profound. That kind of extreme weather event will be very difficult for the people, certainly along that coastline, to recover from so we need to have contemporary legislation that allows road authorities, governments, to make repairs to roads, strengthen roads and ruggedise them if necessary.

The interesting thing about a trend that has happened in legislation under this Government is that there has been a move towards the minister becoming the authority or delegating authority under amendment bills. In the Roads and Jetties Act, if you have a look, for example, at the original section 39 which we are replacing in clause 6 of the bill, it is very different from the one that we have here. I say this by way of observation almost more than anything else. What we are replacing with the new section 39 is this:

> (1) Any road authority may enter upon any land adjoining any road of which it has the care, control, or management, for the purpose of maintaining or reconstructing such road.

That gives a head of power to the road authority to enter onto private land. Subclause (2) reads:

> (2) Any land entered upon under this section shall be fenced in or otherwise so secured by the road authority as to afford to the owner or occupier of such land an equal protection against trespass as was possessed by such owner or occupier previously to the entering upon such land.

As I read it, that places an obligation on the road authority under the principal act to make sure that if they enter a property they resecure any fencing that might have come down as a result of their works, so the power in the principal act is vested in the Department of State Growth or the Department of Main Roads, as it used to be known.

I am interested to understand where this trend has come from under this Government where extra powers are being given to ministers. It is fanciful that a minister for roads and infrastructure would occupy themselves with the minutiae of the administration of this act as it relates to road repairs or maintenance. I am curious to understand why the minister in this amendment bill has inserted himself - or herself for a future minister - as the authority for the purposes of this act because we have replaced that section 39 with this one. It mentions the minister no less than three times:

> Entry upon certain adjoining lands for specified purposes
>
> The Minister, or a person authorised by the Minister under subsection(2)(a), may enter upon any land adjoining any road for which the Minister is the road authority.

The minister has become, I think, the road authority as a result of these amendments, or perhaps the minister always was the road authority but I do not know that that is the case in the 1935 act.

It is very similar for the other clause that we replace as it relates to the closure of state highways or subsidiary roads where again it refers to the road authority. Works on highways, which is section 16, previous to section 16(a), requires consent in writing of the minister before structures shall be erected or placed and other work shall be done in a state highway or subsidiary road. This particular provision seems to be an extension of what is in there already, but also includes the power of the minister.

I would like to understand why these amendments are felt to be necessary. I do not know that that was discussed in much detail in the second reading speech, but clearly this authority has already existed. Presumably the minister authorised the road closure on the Tasman Highway when there was the rockfall at Orford. Maybe the minister could answer this question when he gets to his feet to respond. How will it work any differently, minister, from the way it works now?

We take on board the feedback Ms White has received from the Tasmanian Farmers and Graziers Association and certainly are very comfortable supporting that amendment. Perhaps if the Government is not comfortable with a full 28 days it might meet the House halfway, but seven days is very short notice to give a landowner ahead of time that there will a state road authority entering their private property to undertake works. We argue that it is too short a notice. We will therefore be supporting the bill but we will also be supporting Labor's amendment.

[4.22 p.m.]

Mr YOUNG (Franklin) - Mr Speaker, I support the Roads and Jetties Amendment Bill 2022. As a government it is important that we continue to amend bills, making them applicable to our current-day situations and circumstances. This legislation amends the Roads and Jetties Act 1935 to modernise the provisions relating to temporary closure of state roads, entries for state road-related purposes, and management of vegetation and other hazards on the state road network.

Even minor adjustments are important to keep bills effective. The bill amends the act to allow the minister or someone authorised by the minister to enter land adjoining a state road for a range of road-related purposes, including to maintain or upgrade the road, undertake investigations and other planning and design activities and manage vegetation and other roadside hazards.

The bill sets out a clearly defined process for the use of powers to enter land, including requiring persons entering land to give notice to owners and occupiers before entry, make good any damage done to the land, maintain security of the land, and comply with any other relevant act. The bill amends the act to ensure the minister can implement a temporary closure of a state road in circumstances where it is warranted for the protection of public safety, for facilitation of works or for the good management of the road network.

The bill also modernises the provisions relating to how traffic must be warned of a road closure and how closure must be physically implemented. It is easy for miscommunication with the public to cause major delays, and this bill should correct these issues, preventing any such reoccurrences moving forward. The current provisions regarding the temporary closures of state roads are outdated and do not adequately provide for the minister to close roads in a range of real-life scenarios where a closure may be warranted. For example, the act does not expressly provide for a minister to approve the temporary closure of a state road where an obstruction or danger may arise, for a state road is unsafe for traffic but does not require repair to be made to be fit for traffic, or where third-party works or activities are occurring on or near a state road. These are all scenarios that may warrant a closure for the protection of the public, or for the facilitation of important infrastructure works.

Where these situations have been encountered in the past, the department has had to either refuse to implement a temporary closure or ask Tasmania Police to exercise additional powers

available to them, even though it would be more appropriate for these types of closures to be done by the state road authority.

The Roads and Jetties 1935 currently provides for a road authority to enter onto land adjoining a road for a number of prescribed reasons, including for the maintenance or reconstruction of the road. However, the department must rely on obtaining landowner-occupier consent to enter land to undertake a number of routine activities related to the planning and design of roadworks, such as investigations. If a landowner-occupier cannot be contacted, or if consent is unreasonably withheld, this could delay the delivery of important road safety improvements, or expose the department to significant risk if, for example, major geotechnical or flora and fauna issues are not identified because its consultants cannot access the required land to carry out those investigations.

With Tasmania's Infrastructure Pipeline forecasting more than $22 billion of planned infrastructure investment - the most substantial capital program in the state's history - the Government, in developing this bill, acknowledges that matters of entry into land must always be dealt with carefully and sensitively.

This bill has been extensively consulted. The Department of State Growth has consulted with a number of stakeholders when developing this bill. Feedback on the bill was sought from the Local Government Association of Tasmania, the Tasmanian Farmers and Graziers Association, the Department of Police, Fire and Emergency Management, the Department of Natural Resources and Environment, and Environment Tasmania.

Councils have not been broadly consulted. However, the bill seeks to address specific issues as they relate to the management of the state road network and the delivery of the Tasmanian Government's significant capital investment program.

In terms of the existing powers in Tasmania to temporary close state roads, we are very much out of date with other jurisdictions where more practical arrangements are in place. Provisions are generally broader in other jurisdictions compared to Tasmania, given that the relevant acts in other jurisdictions are typically more contemporary and reflect the role that road managers perform in a more modern environment. This includes South Australia, New South Wales, Victoria and Queensland.

The Tasmanian Government appreciates that matters of entry onto land must always be dealt with carefully and sensitively. As a matter of policy, negotiating access to land with owner-occupiers for road-related purposes will continue to be the preferred approach. It will only be in exceptional circumstances that these powers will be used - for example, where owner-occupiers cannot be contacted regarding required access for important investigations, where consent is unreasonably withheld, or where urgent work is required to address an immediate safety risk.

In all cases, the use of entry powers will be informed by the standard risk assessment process, including consideration of the impact of the activity on the land and any alternative options. The powers of entry under the new section 39 will require any authorised person entering land to comply with any other act. This includes the Nature Conservation Act 2002, Threatened Species Protection Act 1995 and Land Use Planning Approvals Act 1993. This may include the requirement to seek further approvals from the relevant authority.

The department's existing risk-based approach to vegetation management includes a requirement to identify and manage environmental heritage or cultural values and, if necessary, seek the relevant statutory approvals before undertaking any works. This bill will not change that approach. The department remains committed to ensuring that it undertakes its duties as state road manager in accordance with environmental and land management best practice.

The Government has sought to ensure the process for entering under these provisions is clearly defined, and incorporates reasonable checks and balances to ensure owner-occupiers are dealt with fairly and respectfully. The powers of entry will be subject to a number of requirements, including:

- persons authorised to enter land will be required to give seven days' notice before entering the land, with the sole exception of where works need to be done immediately to deal with an immediate safety risk.

- a person authorised to enter land under this act is still required to comply with any other act, including having all other applicable approvals.

- persons authorised to enter land must make good all damage or injury to the land resulting from the action undertaken - for example, filling in any holes that were dug to undertake geotechnical investigations, or rectify any accidental damage to property.

- no structure or building can be entered, unless with the owner or occupier's consent.

In summing up, this bill modernises the act and makes it practical in relation to assessing land for the purposes of protecting our state road assets and the Tasmanian people. It contains the necessary protection for both landowners and the assets on those properties, including threatened species.

I commend the bill to the House.

[4.30 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Speaker, I thank the Opposition and the Greens for their support of this legislation, and to my own colleagues. It is greatly appreciated.

I have substantial additions to add to the record today during the debate. Members will be aware that second reading speeches do not always have that level of detail. I would like to provide that, because it goes directly to a number of questions that have been raised.

Ms O'Connor has left the Chamber, but I found her questions about all these references to the minister interesting. Why would a minister want to be involved in the minutiae of these closures? The Roads and Jetties Act 1935 - which I can say is nearly heritage legislation - already defines the State Road Authority as the minister, so there is no real change there. If I was in the Opposition, I would want it to be the minister, because somebody has to take responsibility for a decision that is taken. That is my observation.

In section 3 of the act, a reference in the act to a road authority, in relation to a state road, means the minister. That is already the case, and has been for nearly 90 years. That is interesting, and I have learned as well on that one.

I can tell the House that I have delegated a whole range of powers that I have under legislation to the people to my left, as they are effectively and operationally road managers. They do a fantastic job and I really appreciate them. In effect, they are acting on my behalf when they exercise powers that I have delegated to them under the legislation, delegated to me by this parliament, and future ministers.

I will now speak quite generally to the act and to the bill, and come to a number of questions. This bill has been developed to address some specific issues as they relate to management of the state road network, as well as the delivery of our capital investment program. We do have problems. The current provisions regarding temporary closure of state roads are outdated. They do not adequately provide for the road authority to close roads in a number of scenarios where a closure may well be warranted. That is why the parliament is being asked to update this legislation.

For example, the act does not expressly provide for the minister to approve the temporary closure of a state road where an obstruction or danger may arise. We need to provide that power for the public good. The act does not expressly provide for a closure of a state road where that road is unsafe for traffic, but does not require 'repair' to be made to be fit for traffic. A third instance is where third-party works or activities are occurring on or near a state road. Quite clearly, in all these scenarios we would want a road authority to be able to effect a closure to protect the public, or facilitate important infrastructural works.

It is not the case that we are closing the Tasman Highway at Nunamara to allow work to occur on the sidling road. Ms O'Byrne, Mr Wood and Mrs Alexander would be very keen for us to be progressing, but it was interesting to me that -

Mrs Alexander - We are still avoiding the road at the moment.

Mr FERGUSON - You might well be. I hope one day you will enjoy that road a lot more than you do at the moment. My wife would certainly share that opinion.

A member - It is a good road. No problem with the road.

Mr FERGUSON - It is not that good. That is why we are needing to spend $120 million on it. It needs a lot of work. Our partnership with the Australian Government is instrumental there and I have to thank Bridget Archer who has lobbied very effectively for a lot of funding for stages 1 and 2 of the Tasman Highway upgrades around the Sidling. The point I was trying to get to was that I was challenged by one individual to close the whole road off and allow the capital work to happen more quickly.

Ms O'Byrne - I might have spoken to the same person.

Mr FERGUSON - Yes. It is interesting because we are not doing that. I made representations to my own department about whether this would be a good idea. That person, who shall remain nameless, has since written to me on behalf of a constituent complaining

about a partial road closure. I think it may share with the House some light-heartedness that road closures are always to be resisted if possible.

Where these situations have been encountered in the past, the department has had to either refuse to implement a temporary closure or ask the police to exercise the powers they have held, even though it would have been more appropriate for these types of closures to done by the state road authority.

The bill seeks to ensure that the circumstances in which the minister can temporarily close a state road are sufficiently comprehensive to allow the state road manager to fulfil its duties in managing works on the state road network and ensuring the safety of road users. It also modernises the requirements for how traffic must be warned of the closure and how closures must be physically implemented, as the current provisions are too prescriptive and generally do not reflect more contemporary practices.

There has been a fair bit of discussion about entry onto land. I agree that this is something that parliament needs to be very respectful of and make sure that our footprint on other people's property is as light as it can be. The current act provides for a road authority to enter onto land adjoining a road for a number of reasons, including for the maintenance or reconstruction of the road. However, the department must rely on obtaining landowner or occupier consent to enter land to undertake a number of routine activities relating to the planning and design of roadworks such as investigations.

If a landowner cannot be contacted or if they unreasonably refuse, this could delay the delivery of important road safety improvements for the wider community or expose the department to significant risk, for example if there was a major geotechnical or flora or fauna issue that was not identified because its consultants were not able to access the required land to carry out those investigations. Ensuring that there is scope to access land adjoining a state road to undertake road planning and design investigations is important, as they help the department understand conditions at the project. For example, where an endangered flora species is identified within the road reserve during project planning, investigations on the adjoining land can help find out whether the plants within the road reserve are part of a larger population and therefore determine what the relative impact removal of the plants in the road reserve would have to allow the project to meet requirements under threatened species legislation or even the federal EPBC legislation.

The bill seeks to ensure that the road authority or the minister has the power to authorise entry onto land under a controlled process so unresolved access issues do not prevent the undertaking of important investigations such as flora and fauna surveys. Mr Young, who is not with us at the moment, said that the Government quite properly should be in all cases commencing with a more cooperative approach, and that is the established practice.

I can tell this House I have been minister in this role for three years and I think I have only ever had to sign one of these more compelling authorities to allow our consultants onto somebody else's property. What I am doing here is expressing just how hard the department and our consultants work to engage face to face with property owners in order always to make it as cooperative as possible at a time that is convenient and in a way that is respectful and agreed, and that happens almost without exception. I believe it is the case that the one time I had to sign one of those notices, it was simply that this person could not or would not be

contacted. I think that the consultants were just not able to confidently reach the actual owner, so to assist in that process I signed whatever the instrument was.

While the act provides for a road authority to deal with vegetation or other obstructions that overhang or encroach on a road, or limit sight distance - these are sections 49 and 42 - these are not the only risk factors that need to be considered when monitoring and responding to road safety hazards.

Section 41 also provides for limited scope to remove indigenous timber within 23 metres of the centre of the road. However, these provisions are restrictive and outdated. The current powers to enter land to deal with trees and other hazards also do not provide for immediate entry onto land, which is particularly problematic where there is an immediate risk to public safety. The bill amends the act to provide the minister or someone authorised by the minister to enter land adjoining a state road to take action in relation to vegetation, land formations, buildings or structures that are negatively impacting on road safety or the condition of the road.

I mentioned police. Police will also have powers to close roads for the undertaking of public events and are generally responsible for coordinating road closures for major events like the various fun runs that happen. The bill does not change arrangements regarding road closures for public events, as police are still best placed to coordinate these closures, given public events usually cover both state and local roads. Police are also better equipped to oversee traffic management in these scenarios and public safety on the days of those events.

When the department is undertaking works, contractors are required to develop and submit traffic management plans for the department's consideration and approval. Traffic management measures that minimise the impact on the travelling public are preferred, but there may be instances where the works can only be done by implementing partial lane enclosures and in some places complete closure.

Emergency road closures are implemented by Tasmania Police as well. However, the Department of State Growth has also implemented closures where a road has been identified as unsafe for traffic due to landslips or an identified rockfall hazard such as the one Ms White identified on the Tasman Highway at Paradise Gorge. Obviously these situations where rectification or repair works need to be undertaken with haste reflects the level of the risk, which is exactly what happened in May 2021.

Where unplanned road closures need to be implemented, the decision to close the road is informed by the department's emergency risk assessment and response processes. There has been some discussion around how to communicate to landowners. I need at this point to emphasise that the notice period I believe has been under discussion by Ms White in her contribution is not relevant to the temporary road closure process. It is not relevant to temporary closure powers, but in fact only to entry to land, so I would like to clear up that matter, because in your contribution you talked, for example, about the importance of a road closure for getting stock or freight in or out -

Ms White - Or for state roads being closed.

Mr FERGUSON - Yes. In this respect, the notice period we are dealing with in this legislation does not relate to temporary closures of roads. It only relates to entry onto land for those reasons I described earlier. Is that helpful?

Ms White - Thank you.

Mr FERGUSON - I will come to this again in a moment, but public communication of a closure would be managed on a case-by-case basis.

Regarding road closures, the bill imposes a requirement for the minister to ensure that sufficient traffic control devices such as signs are erected to warn traffic of the closure, but it does not stipulate how the closure is to be communicated to the broader public, as this is best considered on a case-by-case basis. Communication of temporary road closures to facilitate roadworks are generally best done through direct stakeholder communication channels, such as through social media, public websites, television, radio, print and so on. The bill removes the requirement for gazettal of the notice. When was the last time anybody here looked at the *Gazette*?

Ms White - I did recently.

Mr FERGUSON - Nonetheless, it removes the requirement for gazettal of the notice as the publication of the notice in the *Gazette* is not considered to be a timely or effective communication method with respect to road closures. Very important matters must and will continue to be gazetted, but not in this case.

I was asked by Ms White about appeal and review rights. I am not sure if I am going to directly answer this to your satisfaction but I think it will. This is about appeal rights with respect to road closures, not access.

Ms White - Entering land was the question.

Mr FERGUSON - I might come back to it if I have missed that.

With respect to road closure, there are no administrative appeal provisions included within the amendments that allow a person to appeal a decision to temporarily close a state road. That is status quo.

I will turn to my advisers in relation to access.

Ms White - Minister, while you are speaking to your advisers the question was about access - clause 39 - entry upon certain adjoining lands for specific purposes, so where you are requiring someone to take action - that was a dam leaking question. What appeal rights do they have if they dispute that it is their land that is causing the problem?

Mr FERGUSON - Thank you, I will take that on board. It may assist the committee stage to do it in this way now as I sum up.

Ms White, to your matters. I have dealt now with the road closure situation with respect to access to land. There are presently no appeal rights and the bill does not change that.

Regarding the landowner being able to make a remedy on their property, which is related to the safety on the road, presently there are no appeal rights and the bill does not change that. I am happy to come back to that if necessary.

Ms White - Yes, I would like to do that.

Mr FERGUSON - With respect to entry onto land, we appreciate the matters of entry onto land must be dealt with properly and sensitively. Negotiating access to land with owners for road-related purposes will continue to be the preferred approach. It would only be in exceptional circumstances that these powers would be used, for example, where owners and occupiers cannot be contacted; where consent is unreasonably withheld or where urgent work is required to address an immediate safety risk. However, in all cases the use of entry powers will be informed by standard risk-assessment processes, including consideration of the impact of the activity on the land and any alternative options.

The TFGA has been consulted in the development of this legislation. Ms White, you have made references also to the TFGA which is a wonderful organisation. It does a brilliant job for its members. The Government has committed to working and continuing to work with key stakeholders, including the TFGA, to consolidate this approach.

I was asked about what rights and protections landowners have under the bill and what rights they have to appeal. I have some further detail. We have sought to ensure that the process for entry under these amended provisions is clearly defined so it is more contemporary and clear. It incorporates reasonable checks and balances that ensure that owners and occupiers are dealt with fairly and respectfully.

The powers of entry will be subject to a number of requirements. First, persons authorised to enter land will be required to give seven days notice before entering the land with the sole exception of where works need to be done immediately to deal with an immediate safety risk.

A person authorised to enter land under the act is still required to comply with any other act, including having any applicable approvals if other acts require them.

Persons authorised to enter land must make good any damage or injury to the land resulting from the action taken. For example, they would need to fill in any holes that were dug to undertake geotechnical investigations, or if they created some accidental damage to the property, those persons would need to make good that damage. No structures or buildings can be entered under this legislation without the owner's or occupier's consent.

Under proposed section 39(1) that Ms White has raised, my advice is that these relevant provisions are considered necessary for the act to work effectively. This particular provision is to ensure that where land owners or occupiers have failed to properly maintain trees or other things on their property and have consequently created a road safety issue, we need to have a mechanism to protect the public interest.

Under the legislation, the minister has the option to direct that person to rectify this safety issue which has been created on their property where this is deemed a more appropriate course of action than authorising contractors to enter the land to do the work at taxpayer's expense. There are many precedents in other legislation dealing with infrastructure where other authorities have the power to direct an owner or occupier of land to rectify something on their land that is creating a safety hazard or negatively impacting on that authority's infrastructure.

For example, councils can issue abatement notices under the Local Government Act which require the responsible person to deal with the identified issue. Service authorities have similar powers such as those under the Water and Sewerage Industry Act 2008. There are many parts of the existing Roads and Jetties Act where a road authority can already direct a land owner to undertake an action.

The bill provides for a notice to be given in a range of ways, providing flexibility for those authorised people, giving notice under the new section 39. There has been some discussion about this. Notice can be given by traditional methods such as handing the notice to the owner/occupier in person, sending the notice via post or leaving it at the property, but the bill also future-proofs the act by allowing for notice to be given electronically, such as by email or other form of communication. This is to account for the emergence of other technologies that may become a commonly accepted mode of communication.

Lastly, the amended provisions allow for a notice to be placed in a conspicuous location on the property such as on a gate or on a fence, or perhaps a doorstep. This allows for situations where the land is not occupied and all attempts to contact the owner via the other means have all been exhausted. The method used to give notice will depend on the circumstances. The bill does not stipulate a preferred method but it does provide for each of them.

Ms White, the last one I had from you was about what powers does the government have to compel the private land owner to repair, for example, a dam wall? What would be the time that would be given to remediate? Who would pay and if it was contested how would that be settled? While this is not intended to be legal advice for you or for a future person in this situation, the issue as I have raised in my earlier comments is that a landowner adjoining a state road actually has a level of responsibility that their property and the assets on that property whether it was vegetation or a dam does not create a nuisance or a safety risk for their neighbours, in this case the road manager and the travelling public.

It would be at the landowners' expense to make good any damage or any things that have arisen as a safety risk to their neighbour. I suggest that is not uncommon in other laws as well, potentially even common law. Who pays? It would be the landowner in those circumstances. There are circumstances though where on a non-obligatory basis that the department may support such a thing if it was taken on a case-by-case basis. I can imagine, for example, an abatement notice was provided to a person because there trees are growing in such a way that is going to create a nuisance in the future and they refuse to deal with that increasing year by year. It is only reasonable that they be held accountable for not dealing with that safety risk at an earlier stage because our roads are obviously for the travelling public.

If it was to be contested, I am just going to test this again, there is a legal avenue for that to occur. My advice is that this would be subject to the judicial review and the mechanism for that would be the Magistrates Court, if it was contested that the remedy needs to be undertaken.

Finally, I was asked a hypothetical question in relation to a new road project such as constructing a new lane on a highway like the Southern Outlet. This bill has no impact on the rights of owners where there is acquisition. The Land Acquisition Act is a different act and has a defined process for dealing with property owners. Negotiating access would continue to be the preferred approach and in respect to the Southern Outlet - although it is only an example we have drawn on and I do not want that to be the issue of our debate today - in that particular

instance my advice is that there was not a denial of access to land for investigation purposes on that particular project.

I think that has been a fairly thorough discussion and I understand we will go to committee and discuss some proposed amendments. If that is the case I might save my contribution on the proposed amendments for that stage of the debate. I have some advice to hand in relation to those matters. I do again thank everybody for their contributions to it. While it may seem like a mechanical bill, it does actually provide capacity for the department, in particular as the engine room of these matters, to do a better job with legislation that equips them better to keep our roads safe for the travelling public.

Despite some small areas of disagreement, I appreciate the support around the Chamber for this legislation, Mr Deputy Speaker.

Bill read the second time.

ROADS AND JETTIES AMENDMENT BILL 2022 (No. 12)

In Committee

Clauses 1 to 5 agreed to.

Clause 6 -
Section 39 substituted

Ms WHITE - Chair, I move the following amendment -

Page 9, proposed new section 39, subsection (3), paragraph (b).

Leave out '7 days'

Insert instead '28 days'

Minister, I explained the reasons in the course of my second reading speech contribution. When you are going to people's private properties, seven days' notice is not a very long time, particularly given how busy people can be - especially if we are talking about primary production land. The proposal is to increase that to 28 days - a similar view to Ms O'Connor, that maybe we could meet halfway, if that is more acceptable to the Government. I am interested to hear what you say about that, and to understand the reasoning behind the Government's choice of seven days.

Mr FERGUSON - I would like to see the amendment met halfway. Ms White, I will invite you to amend your own amendment to - can I amend it?

Ms White - You can amend it.

Mr FERGUSON - Chair, I move the following amendment to the amendment moved by Ms White -

Leave out '28 days'

Insert instead '14 days'

Ms White, thank you for raising this. The Government is comfortable. We do not see this as a big issue. I will point out that it is not in respect of road closures, only property access. Like you, I want to see this not used often at all but where it does need to be used, the power of our parliament should be carefully used, and if you were the landowner, the more time the better.

We are talking about scenarios where permission has been unreasonably refused, or where the person has been uncontactable. As I said, and I have just checked with my team, we think this provision will be used very rarely, because best efforts are made on a humane basis to go and talk to people. If you cannot get them on the phone, go and knock on their door. If they will not answer their door, go and talk to the neighbour and ask if they might know where that person may be contacted. That is how it works in practice. I am somewhat familiar with it.

For the benefit of the House, a 28-day notice period would be far longer than similar provisions in other acts. For example, under our Land Acquisition Act, section 54 requires notice to be given four days before entering land to investigate whether it is suitable for acquisition. Another example is in the Local Government (Highways) Act 1982, which requires notice to be given 14 days before entering adjoining land, to make or maintain drains.

As I say, it is anticipated these powers will very infrequently be drawn upon, as owner-occupier consent to access their land for investigations can be obtained in the vast majority of cases, and most people are very good about it - whether farmers or residential. Where these powers are anticipated to be used - such as instances where the owner-occupier cannot be contacted despite multiple attempts, or consent is withheld and access is absolutely required - a 28-day notice period would substantially delay those project activities further, and could have a flow-on effect for the broader project delivery schedule.

That would have been an argument for me to maintain the seven-day principle that I started with in this legislation. Having a quick look across the country, in Queensland it is seven days, in New South Wales it is seven days, in Victoria it stipulates 'reasonable notice' - but we did not do that descriptive, we did the number of days. For clarity we went in that direction. In New South Wales it can be as little as one day before entry, but notice must specify the day on which the authorised officer intends to enter the land, and must be given before that day, so it could be a minute to midnight. As I say, in Victoria it stipulates reasonable notice.

One further thing is that we appreciate people own their own land. There is a principle of common interest and social interest here. Some acts of parliament do impose themselves onto people's private land, whether it is for a road corridor where we need to take land off them compulsorily, or their whole property, or we need to run an easement through for a transmission line or gas pipeline. There are laws that provide just payment and compensation for them. In this particular case, we are not dealing with those matters. We are dealing only with access, to allow those specified activities to take place.

I thank the members, particularly Ms White, for that. Although you might have preferred 28 days, I argue that is too long, and 14 days is reasonable. If it was happening all the time for good policy reasons, perhaps we would say 14 days is too long - but we do not see this as being a barrier for projects because in the main, people are receptive to these provisions of access.

Ms WHITE - I indicate our support for the amendment to the amendment. While we are on this subsection, minister, the other question I asked was an explanation for the definition of 'such other prescribed period'. I would be grateful if you could elaborate on that, please.

Mr FERGUSON - Thank you, Ms White. To answer your question, the advice is that the OPC recommend this kind of drafting. It allows the head of power for the parliament to set that it is seven days.

The reference to 'other such prescribed period' is the provision that deals with when regulations are made as subordinate legislation under the act; it could be less than seven days, or could be more than seven. I should stop saying seven - it is 14 days. A future government might decide it should be 10 days, and would therefore gazette a regulation giving effect to 10 days, having determined for whatever reason that this is the new period of time, which can of course be disallowed by either House or by the Subordinate Legislation Committee.

The other such prescribed period refers to a period stipulated by regulation in respect to this act, not another act. In the absence of any such regulation, I can tell you there is no intention to do so. Fourteen days will be the applicable notice period.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Ms WHITE - Madam Chair, I move a second amendment to this section -

Page 10, same proposed new section, after subsection (4).

Insert the following subsection:

> (5) If a person entering land, for the purpose of taking an action under this section, notifies an owner or occupier of the land in accordance with subsection (4)(b), the person must also notify the owner or occupier of the land in accordance with subsection (4)(a) or (c).

This is to ensure that the person who is notified definitely receives the notification. In the drafting of the bill it currently says that the notice is to given to an owner or occupier of land -

> (a) by serving a copy of the notice on the owner or occupier; or
>
> (b) if a valid email address, or other form of communication is known for the owner or occupier, by transmitting a copy of the notice to the owner or occupier by electronic means; or

(c) by displaying, for the duration of the period … a copy of the notice on the land …

It is because of the 'or' joiner as opposed to 'and' that it has been raised with us as a concern because it does permit the notice to only be provided electronically. There is concern that while it might have been sent it does not necessarily mean that it has been received and read. We do not all check our emails all of the time, particularly if you are busy running a farm, which is, in this instance, the example that has been shared with me.

This is just to make sure that there can be no doubt that the person has received the notice. It does not prohibit the Government sending an email; it is just saying if they send an email they also need to serve a copy of the notice on the owner or occupier of the land or put it somewhere that is visible. It is a catch-all and hopefully it is self-explanatory. It also acknowledges that in a digital age a lot of people may have an email address but it does not necessarily mean they are frequent users of it and do not want to be caught out in a situation where there are unintended consequences.

Mr FERGUSON - Thank you, Ms White. The Government does not support this amendment. What we have sought to do is to contemporise the legislation in a way that works for the times that we live in as opposed to 1935. I hear what you are saying and understand why you think moving this amendment would assist.

My advice is that it may introduce a new problem. My advice is that this would create ambiguity around when the notice has been legally served, which may then need to be clarified within the amendment. It also arguably defeats the purpose of the clause in that where we were coming from in inserting this in at all, subsection 4(b), it was intended to provide for electronic communications such as email to be on its own a stand-alone way of serving notice. It is immediate and it is now a much more accepted mode of communication even for formal matters.

The way that OPC and the department have drafted this clause or this paragraph means the authorised person must know that it is a valid email address and a legitimate way of contacting that person. They must have obtained it, they must have known that that is one way I can contact this particular person. That is already a qualifier that has been built in. In best practice, not in legislation, the authorised person will be using whatever means they think is most appropriate to make sure that person is notified of the entry onto their property in advance.

I hear what you are saying and understand your argument but there must be legal certainty about when a notice was served. My advice is that this would create ambiguity around that question, around when the notice has been legally served, which potentially also defeats the purpose of why we wanted to bring this clause in as a stand-alone means of providing notice to a person.

If the authorised person would know your or my own email addresses, then we would agree that is reasonable that we be advised that way. It is probably arguably quicker than waiting until we get home and checking the fence or the doorstep. For other people who either do not have email or it is bouncing, then clearly the more traditional means is going to be appropriate as a stand-alone method. I would not agree to the amendment on this occasion.

Ms WHITE - I appreciate that explanation, minister. I am not trying to be difficult in proposing this amendment. I am trying to be helpful in assisting avoiding unintended consequences. I respect the advice that has been provided about the clear understanding for when a notice has been issued for legal reasons, but I do urge caution. The way the bill is currently drafted, it says, 'If a valid email address or other form of communication is known for the owner or occupier', it can be transmitted that way.

Someone can have a valid email address but it does not mean that it is something they regularly check, especially in some of the rural and regional parts of Tasmania. As you would well understand, reception is not fabulous. There are landowners in certain parts of Tasmania who have valid email addresses but the technology or access to the internet is not always flawless. In circumstances where somebody may have been issued with a notice using a valid email address, it has not bounced back so it has met the criteria as you have described it, but it does not necessarily mean they have received it. The intent of this amendment is to ensure that they have absolutely received it.

I accept what you have said about the need to be clear about the date of issue for a legal notice. Is there a way to adjust the amendment I have put forward? It is endeavouring to be helpful, not cause further problems. Maybe you can think about that ahead of the debate that occurs in the other place?

Mr FERGUSON - I will not go down the same path of explaining again, but I am being advised that my explanation for declining the amendment stands. We hear the point. If the view was that some of those reasons were strong, what you would do is take out the email altogether and stick with paper-based. None of us are asking for that.

We will leave it as it is from the Government's point of view. There will be a continuing and standing expectation by the Government of this time and in future times that the department and its consultants will do best endeavours in keeping with the original intent of seeking consent and seeking agreement without having to impose a notice of future entry. We will seek people's recognition that they have received an email. For example, if a reply was not received to an email, the expectation will be that the department and its agents or consultants will check in with that person again just to say 'did you get the notice?' I do not want to commit that in the legislation, but I am happy to place it on the record today.

Amendment negatived.

Clause 6, as amended, agreed to.

Ms WHITE - I am comfortable with the rest of the bill, thank you.

Clause 7 agreed to.

Title of bill agreed to.

Bill reported to House with amendment.

ROADS AND JETTIES AMENDMENT BILL 2022 (No. 12)

Third Reading

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Deputy Speaker, I move -

> That so much of standing orders be suspended as would prevent the bill from being read the third time forthwith.

Motion agreed to.

Bill read the third time.

ELECTRICITY SAFETY BILL 2022 (No. 11)

Second Reading

[5.24 p.m.]

Ms ARCHER (Clark - Minister for Workplace Safety and Consumer Affairs) - Mr Deputy Speaker, I move -

> That the bill be now read the second time.

The Tasmanian Government is reintroducing the Electricity Safety Bill 2022 following the dissolution of parliament for the state election which was held 1 May 2021. There are two minor changes to the bill since its initial introduction in 2020, both of which relate to consequential amendments to the Occupational Licensing Electrical Work Regulations 2018. These changes refine a definition of electrical work relating to the repair to an electrical article or the fixing of a plug or socket supplied with 230 volts or less, and address a drafting error relating to the definition of prescribed electrical work. Both of these issues are minor in nature and do not impact on the purpose or intent of the bill.

The importance of electricity safety cannot be overstated, as all Tasmanians use and are surrounded by electricity all day, every day. Often, we take our use of electricity for granted and do not think about the benefits that electricity safety laws and their active administration provides the Tasmanian community. The high level of electricity safety currently enjoyed by Tasmanians is continuously being challenged by the speed at which new electricity technology, equipment and storage systems are being introduced. Improving energy safety regulation has been an ongoing commitment of the Tasmanian Government. Tasmania needs robust and up-to-date electricity safety laws to effectively administer electricity safety in response to these new and emerging technologies and practices. This bill provides that.

Electricity safety within Tasmania is underpinned by longstanding regulatory provisions and responsibilities placed on the electricity supply industry entities, and industrial, commercial and domestic consumers, as well as electrical equipment and appliances. The Electricity Supply Industry Act 1995 and the Electricity Industry Safety and Administration Act 1997 that provide the current electricity safety regulatory provisions have

had only minor amendment. There has not been a substantial review of the electricity safety provisions since their enactment.

The Electricity Supply Industry Act 1995 over time has tended to concentrate on the regulation associated with the electricity market operation with the introduction of the National Electricity Market, National Electricity Rules and the Australian Energy Regulator. This bill will instead provide a dedicated focus on electricity safety and its administration, to maintain the standard of electricity safety the Tasmanian community has come to expect as normal. Since the turn of the century, there has been significant change in the electricity industry. Some of the key changes have been: an increase in small-scale solar and wind generation; equipment innovation and the rise of electricity storage systems; and advanced, sometimes called 'smart', electricity meters in people's homes.

Administration of electricity safety in Tasmania sits with both the Department of State Growth and the Department of Justice. The Energy Regulator is responsible for the electricity safety functions and powers under the Electricity Supply Industry Act 1995, and the Secretary of Department of Justice is responsible for the Electricity Industry Safety and Administration Act 1997. This division of responsibility for safety is not desirable as it can introduce uncertainty and confusion.

The consolidation of electricity safety provisions into a single bill and separating them from the Electricity Supply Industry Act's licensing and industry operational activities will allow for a greater focus on the regulation of electricity safety in Tasmania. The bill aims to modernise and clarify the existing regulatory provisions of the current acts, to provide flexible and up to date electrical safety requirements for Tasmania. The Bill will provide: clarification of safety obligations and responsibilities that are not as clearly stated in the current acts; modernised terminology and definitions to assist in a better understanding of obligations for both industry and consumers; and will ensure there is suitable flexibility to adapt to innovation and technology well into the future.

The bill establishes the Director of Electricity Safety as a statutory position. This role consolidates the electricity safety functions and powers of the 'regulator' and the 'workplace health and safety secretary' under the Electricity Supply industry Act 2005, and the 'secretary' in the Electricity Industry Safety and Administration Act 1997.

The director provides a level of accountability for electricity safety that is consistent with the level of risk and aligns with key statutory officers established under building and gas safety legislation. The director's title, functional responsibilities and powers are generally consistent with: the Director of Gas Safety under the Gas Safety Act 2019; and the Director of Building Control under the Building Act 2016.

This bill will provide clarification of the responsibilities for periodic inspection and maintenance of electricity assets and a vegetation clearance space around those electricity assets. The bill also provides the director appropriate mechanisms and powers to ensure that these responsibilities are fulfilled.

New and emerging technology in the electricity industry at times is outpacing the ability of the current safety regulations to respond effectively. The bill provides for enforceable determinations and codes of practice in order to respond effectively to these changes and provide the appropriate level of assurance for electricity safety to the Tasmanian community.

The bill will fulfil a requirement of the Ministerial Council on Energy into government agreement. This is to provide nationally consistent minimum safety requirements for electricity entity-owned network assets through an electricity network safety management system. Both Hydro Tasmania and Tas Networks own and operate these network assets, and have already been working towards a compliance system in anticipation of this provision. The bill also provides for the electricity entities to appoint and manage an electricity safety officer, who may undertake specific electricity safety functions in a similar context to that of the existing electricity officer under the Electricity Supply Industry Act 1995.

The structure of Tasmania's electricity supply and the entities involved has undergone significant change over the past 25 years. In some instances, the demarcation of ownership between the network operated by an electricity entity at a property owner's installation has become confused. This bill will provide clarification of the point of supply to address this issue, and provide certainty for the industry and owners. The bill will also give effect to the requirements of the Intergovernmental Agreement for the Electrical Equipment Safety System. This system provides a national framework for certification of electrical equipment, including marking, supply, and management of the scheme. There will be no noticeable change to the current electrical equipment approvals, as the new provisions supersede the current electrical appliance requirements under the Electricity Industry Safety and Administration Act 1997.

The bill does not regulate the carrying out of electrical work by electricians licensed under the Occupational Licensing Act 2005, or safe work practices under the Work Health and Safety Act 2012. In this bill, any electrical inspection, testing, maintenance, or rectification of work required to ensure the infrastructure or installation meets the safety requirements of this bill must comply with the electrical work provisions of the Occupational Licensing Act 2005.

We have consulted widely on the Electricity Safety Bill 2022, including with key industry stakeholders and during two periods of consultation throughout the development of this bill. These include, but are not limited to, electricity entities, electricity retailers, electrical contractors, relevant industry bodies and associations, other bodies and associations including the Tasmania Farmers and Graziers Association, Local Government Association of Tasmania, unions and relevant government agencies.

The bill consolidates existing safety requirements of the current acts, and modernises the regulation of electricity safety in Tasmania to provide greater public protection.

I commend the bill to the House.

[5.34 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, I rise to provide insight into our thoughts on the bill, which according to the second reading speech will consolidate and update all electricity safety requirements. This is the second attempt the Government has undertaken to pass this bill in the House of Assembly. I acknowledge that there have been two very small changes. One of those changes was a typo, which excluded most electrical work from the meaning of electrical work itself. That was withdrawn from the previous 2020 electrical safety bill.

I query the depth of the Government's consultation of the 2022 bill as opposed to the 2020. We have spoken to some of the stakeholders and not all of them were re-engaged in the second round of consultation. It is important that is on the record. A few definitely were not consulted on the 2022 bill.

The minister stated that these important reforms consolidate existing electricity safety laws and provide a modern legislative framework that reduces duplication and pre-selects stability in adopting and managing new electrical technologies as they develop. There have been attempts in this bill to deal with modern technologies, yet there are glaring examples, such as electric cars, that are not in this bill. If you are embracing modern technologies we noted that it is not that modern.

We have consulted widely on this bill and we would like to move some amendments during the Committee stage. Those amendments are sensible. The do not change the integrity of the bill, but they provide more of a robust consideration of consultation. As we have talked about before, we still will not be able to accept the use of reasonable force, especially without any meaningful supplementary aspects to the legislation that would make the use of reasonable force against members of the public defined.

I intend to re-scrutinise the act today. Our advice from the Government suggests that there is general acceptance that the bill consolidates previous grey areas in responsibility in the understanding of safety obligations and responsibilities. We consider that the bill does not actually improve safety and related technical standards that ensure electrical equipment are safe. There is nothing in this bill that even goes to the aspect, which is important in a safety bill, of not diminishing current safety standards.

Work safety is barely touched upon within this bill. Our advice is that this bill undermines the Work Health and Safety Act 2012 by not providing any obligation to not diminish current safety standards or to consult.

My first question to the minister outlines provisions within this bill which address not diminishing current safety standards. Can the minister outline provisions within the bill which require consultation in relation to safety? Our advice is that the bill only requires consultation by the director or minister. This consultation is purely discretionary. The director has the ability under this bill to introduce codes of practice, corresponding legislation, guidelines, terminations, standards and regulations without any consultation of employee or employer groups

The word 'employee' only features 10 times in this bill, which numbers over 200 pages: once in relation to the appointment of the directors, three times in relation to vegetation clearances, once in relation to the safety management system, one in the appointment of an authorised officer by the director, one in relation to record keeping of an electricity entity, twice in relation to employee immunity from liability, and not one mention of employee consultation in relation to safety. Not one mention of employee representative consultation in relation to safety. This is in direct contravention of the Work Health and Safety Act 2012, and, if not amended to complement the existing federal legislation - which I am sure the minister is aware supersedes this legislation - could leave the Government, in our opinion, open to future industrial action. That is what we really do not want to happen. I am not saying that in a threatening way - it is a reality.

We have some really simple amendments that we think would provide a more robust approach to safety within this bill, which we will run through in Committee.

According to section 109 of our Constitution, if a state passes conflicting laws on the same subject, the federal law overrides the state law that it is inconsistent with, as the minister

states. The minister would also be aware, if a worker or contractor believes their workplace to be unsafe, they are able to stop work. Not once does this bill reference to a duty to consult workers. It really stands out that this is missing.

At this stage, that is one of our hesitations towards the bill. We hope the Government supports our amendments, because this bill has many really good aspects to it. We would like to support it, as long as some of those amendments are considered.

We would also like the minister to provide some real answers about the long-term strategy of the bill. We do not understand why there is no provision within the bill not to diminish the Tasmanian electrical safety laws, and also why the Government would exclude workers and technical experts from that consultation, because at the moment that is all discretionary.

Why does the bill exclude Australian Standards in relation to electrical equipment? That stood out to us as well.

Why does the bill provide the director to implement corresponding laws, codes of practice, standards, directives and guidelines with discretionary power? We think they are really important aspects of this bill. It is about electricity - you have to get this right.

If there is nothing in this bill which states that the safety aspects cannot be diminished, and consultation is not part of it, we think it is defeating the purpose of an electrical safety bill.

The bill establishes the Director of Electricity Safety as a statutory position. The bill introduces mitigation of bushfires associated with electricity assets. The bill addresses risks associated with deterioration of assets over time, and the growth of vegetation into the electricity conductors, and provides regulation around this.

The bill will provide clarification of the responsibilities for periodic inspection and maintenance of electricity assets and vegetation clearance space around those electricity assets. The bill also provides the director with mechanisms and powers to ensure that these responsibilities are fulfilled.

Mr Deputy Speaker, Labor has serious concerns about the power of the role of the director under part 2 - Administration, proposed section 10 of the bill. The minister appoints a Director of Electricity Safety. That is not unusual. However, the powers of the minister and the director are a matter of concern to us. We have some questions on that, which I will run through now.

We note that there is very little opportunity for independence in that relationship between the director and the minister. The director, as we read it, also carries out any functions relating to the administration of the act that the minister determines. The director has the following functions -

> to confer with and seek advice from State Service Agencies, approved authorities and any other persons, bodies or organisations engaged in any relevant industry and other interested groups or bodies, on matters relating to the administration of this Act;

That section does not expressly require the director to consult with representatives of employers and employees. That, to us, is a concern.

Proposed section 12, Advisory committees, states that -

> (1) The Director may establish an advisory committee to advise the Director on specified aspects of the administration of this Act.
>
> (2) The members of an advisory committee are appointed and hold office on terms and conditions determined by the Director and specified in the instrument of appointment.

As we read it, but would like the minister to confirm, the bill does not require the director to include representatives of employers or employees, or even experts such as TAFE teachers or people with a lot of experience within the field - engineers and so forth. That section again lacks prescription into the makeup of that advisory committee. Would it be a paid advisory committee? There is an opportunity here for the director to consult with relevant employee and employer organisations, and a requirement that the committee constitution is to be a tripartite committee with independence. That would be really important.

Minister, can you provide some policy reasons why you have not provided, within this bill, better guidance in relation to the constitution of that advisory committee. I am not sure whether it is good governance to not have independence within that committee.

The powers of the minister within this bill also could be a matter of concern. Part 4, Safety of Electrical Equipment, proposed section 50, states that the minister may determine corresponding law - by notice in the *Gazette* determine a law of other states, or a territory of New Zealand, to be a corresponding law without any checks and balances. That is how we see that.

Ms Archer - Sorry, were you quoting that? It sounded like you were misquoting.

Ms BUTLER - If that is how you have interpreted it, I do apologise. We know that this is irregular -

Ms ARCHER - Point of order, Mr Deputy Speaker. If the member is saying she is quoting, then she needs to say, 'quote'. She is saying that I am misinterpreting, but that is how it read.

Ms White - What point of order are you taking?

Ms Archer - That she clarifies what the quote was, for the *Hansard* record.

Ms White - It is not a point of order.

Ms Archer - It is a legitimate point of order. You were quoting a section, but then you said 'without checks and balances', and I am sure it does not say that.

Mr DEPUTY SPEAKER - Members cannot put words in people's mouths. It is not a point of order at this point.

Ms BUTLER - Thank you, I will continue. We know that it is irregular and may once more undermine the Work Health and Safety Act 2012.

Master Electricians Australia have also expressed their concern over the circumstances in which a minister may unilaterally and without consultation determine that a law in a different jurisdiction - particularly one in a foreign country - could be enacted, without any of our current legal and legislative system reviews and safeguards. There is no obligation by the minister, that I can see in this bill, to not diminish safety laws, regulations and codes of practice.

Section 47 of the Work Health and Safety Act 2012 - Duty to consult workers - specifically states -

> (1) The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this Division and the regulations, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

This bill provides a director with discretionary powers, and does not refer any duty to consult workers. There is also no reference in this bill to repeal a code of practice which is inserted into the bill by the minister. There is no obligation to consult employer or employee representatives in relation to adopting codes of practice, laws, regulations and standards. That is my interpretation of the bill.

Part 12, clause 178(4), states -

> (4) The regulations may -
>
> (a) be of general application or limited in application according to the persons, areas, times or circumstances to which they are expressed to apply; or
>
> (b) provide that a matter or thing in respect of which regulations may be made is to be determined, regulated or prohibited according to the discretion of the Minister or the Director; or

I interpret this that the director of electricity safety may issue electricity safety orders, make determinations, and adopt or issue codes of practice without consultation, just with discretion. This is also the ability to adopt regulations and standards. My question to the minister is seeking an explanation around this. Can the director make determinations and adopt or issue codes of practice without consultation, just with discretion, minister? This is also the ability to adopt regulations and standards.

In relation to adopted codes of practice, does the bill contain reference to a time frame for a code of practice to be valid? That comes from stakeholders who have advised that most other states, when they have codes of practice within their legislation, have a time frame reference to that code of practice. I cannot see anything in this legislation that has that.

Part 2, clause 15(1) states that the director may make or adopt codes of practice and 'such other matters that may be prescribed'. What is your understanding or interpretation of the term 'prescribed'? It is a broad term which could be interpreted differently.

Another thing that is missing from the bill is that the term 'code of practice' is not defined under the definitions. Could the minister provide information on why that is not in the definitions, even though 'code of practice' is referred to on a number of occasions.

This bill provides gaps in the powers of the director. The director may lack understanding of relevance, or only taking advice from stakeholders that might provide advice that potentially favours their own business ambitions. This legislation has to be more robust than just people who are here now. This legislation could still be relevant and used over the next 50 years. We need to make sure that the legislation is more robust than that.

There is also the potential of ministerial interference. We cannot always rely on the ethics of our current minister, who we know is particularly ethical, because we do not know whether a future minister will have the same standards this minister has. Minister, can you outline for the House what is the consultation required for the director to issue or adopt a code of practice?

The Queensland Electrical Safety Act 2002 is widely considered best practice. The Queensland act provides much greater depth and technical information, especially in relation to consultation and codes of practice. It also defines 'reasonably practicable', which this bill does not.

One of the reasons 'code of practice' should be defined in this bill is to verify the legal responsibility in relation to a regulation and code of practice. A code of practice is admissible in court proceedings as evidence of what is known about a hazard, risk or control and may be used to determine what is reasonably practicable in the circumstances a code refers to. Does the regulation prevail if there is an inconsistency between a code of practice and a regulation? Could you provide that information?

This bill, unlike Queensland's Electrical Safety Act 2002, has no provision within code of practice guidelines for the introduction of safety improvement. Section 45, use of code of practice in proceedings, is part of the Queensland Electrical Safety Bill 2002. It states:

> (3) The court may -
>
> (a) have regard to the code as evidence of what is known about a hazard or risk, risk assessment or risk control to which the code relates; and
>
> (b) rely on the code in deciding what is reasonably practicable in the circumstances to which the code relates.

Nothing in this section prevents a person from introducing evidence of compliance with this act in a way that is different from the code that provides the standard of electrical safety that is equivalent to or higher than the standard required in the code. Minister, will you consider defining 'code of practice' within this bill? Will you consider inserting a clause which allows for safety improvement in relation to the code of practice?

The Queensland act under Division 1, Subdivision 2, section 28 provides a definition of 'reasonably practicable'. I will read it into *Hansard* -

What is *reasonably practicable* in ensuring electrical safety

… ***reasonably*** practicable, in relation to a duty to ensure electrical safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring electrical safety, taking into account and weighing up all relative matters including -

(a) the likelihood of the hazard or the risk concerned happening; and

(b) the degree of harm that might result from the hazard or the risk; and

(c) what the person concerned knows, or ought reasonably to know, about -

(i) the hazard or the risk; and

(ii) ways of eliminating or minimising the risk; and

(d) the availability and suitability of ways to eliminate or minimise the risk; and

(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

The only mention of 'reasonably practicable' in this bill is under vegetation clearances.

Will you consider including a definition of 'reasonably practicable' in relation to ensuring electrical safety into this bill? This point was raised by the CEPU. The inclusion would provide clarity and best practice in relation to safety. This is, after all, an electricity safety bill.

Safety is paramount and this bill does not give enough consideration to safety. The bill provides for nationally consistent minimum safety requirements for electricity entity-owned network assets through an electricity network safety management system. However, penalties provided to organisations that are non-compliant under this act are up to half the penalties provided in other states.

The Master Electricians Association, MEA, in its submissions, raised the inadequacies of the penalties. 'Currently, under Tasmanian legislation a penalty unit is valued at $168', the MEA said. I will clarify that, at the moment in Tasmania, the penalty unit, as at 1 July 2022, is $181.

Debate adjourned.

ADJOURNMENT

Veterans Health Expo
Royal Commission into Defence and Veteran Suicide Interim Report - Federal Government's Response

[6.00 p.m.]

Mr BARNETT (Lyons - Minister for Energy and Renewables) - Mr Speaker, on the adjournment tonight, I pay tribute to Tasmania's 17 500 service men and women in this great state, and highlight Veterans Health Expo, which goes from the 1 October to 9 October, starting in just a few days with the aim of promoting good health and wellbeing among those service men and women and their families.

There is a range of activities to support our veterans and I want to say how grateful we are for their service and their sacrifice. This coming week is a time to ensure we look after and support our veterans. The theme of Veterans' Health Week is 'Eat Well' focusing on good nutrition to ensure good long-term health and this will be highlighted in the three upcoming Veterans Health Expos. The first one I want to highlight is on 8 October from 10 a.m. to 3 p.m. at the Exeter Community Hub and RSL, and then on 15 October from 10 a.m. to 3 p.m. at the Swansea RSL. I am looking forward to visiting that health expo and dropping in and providing some encouragement and touching base with the veterans and their families. Likewise, on 29 October 10 a.m. to 3 p.m. at the Queenstown RSL.

This is supported by RSL Tasmania. It is an RSL initiative and I thank the president, Barry Quinn, and the chief executive officer, John Hardy, and the team and the various sub-branches of the RSL that are providing support. It is nutrition-themed, it is family-friendly, there are local stalls, they are community-focused, there are cooking demonstrations, and ex service organisations are obviously involved. There are referral and services and support from your local RSL, so go and join and touch base. If you need more information you can always call your local RSL or just call 6242 8900.

In terms of what we are doing as a Government to support good health for our veterans, it is a priority for our Government and we are demonstrating this through a whole range of areas. The Veterans' Active Recreation program that was announced in 2020 and run by Point Assist is allocated $225 000 over three years for providing outdoor recreation experiences to our returned service men and women. The program harnesses the positive relationship that exists between social participation, outdoor recreation, our wonderful natural environment, our natural areas of Tassie and psychological wellbeing. Point Assist has done a great job running four wilderness treks since 2020 with more than 20 veterans participating, and the next one is due from 14-18 November.

I also highlight our Veteran Wellbeing Voucher program with $200 000 committed to provide eligible Tasmanian veterans with a $100 voucher to put towards the cost of registration or membership fees at participating gyms, sporting clubs, recreational activities. It is open to an estimated 2000 applicants and the latest information I have is that there are more vouchers available. The vouchers have so far been used in a number of gyms and in a variety of sporting organisations including bowls, soccer, sailing, surf lifesaving and croquet.

I had the pleasure of launching this program at the Launceston Croquet Club some time ago. More broadly speaking, we work with the federal government to undertake a feasibility study in terms of being connected to the veterans' health and wellbeing service that will be set up in Tasmania. We fought very hard to ensure that Tasmania got its fair share and received $5 million dollars to support that. I am pleased to confirm that has been secured, so that is more work to be done in that space, but we always want to ensure that Tasmania gets its' fair share.

Dago Point at Lake Sorell has a veterans' retreat set up essentially by the Vietnam Veterans' Association with others, and Terry Rowe and his team have done a great job. I was there a month or so ago with Terry and the team, having a look around. It is an opportunity for younger veterans in particular to enjoy the opportunity with their families to spend time in the outdoors; maybe a bit of fishing at Lake Sorell or up in the Central Highlands. I pay tribute to the Veterans Reference Group and Brigadier John Withers. Thank you for your leadership, John, for a great job, well done. To the members of that group, I am very grateful for the advice and feedback they provide the Government.

In conclusion, the federal government's response to the Royal Commission into Defence and Veteran Suicide interim report was released last Monday, 26 September, and I note the federal government has agreed to implement one of the recommendations already: recommendation five. They have agreed to nine, they have agreed in-principle to one, and noted two others. The royal commission is an opportunity to tackle this devastating issue. From my participation as the first witness in Tasmania when the royal commission came down, yes, it is a really important matter. I thank the federal minister, Matt Keogh. I have caught up with him twice now and met with him on the veterans' ministerial council meeting.

The royal commission hearings are very important. If you want to make a contribution you still can until 13 October. In light of the commission, I also mention that Veterans' Health Week dovetails with Mental Health Week, and that has been happening this last week. I thank the Premier and Minister for Health and Mental Health as I know how important it is. I encourage anyone, or their family members, who would like to talk or seek help to phone the confidential 24/7 Open Arms Veterans and Family Counselling 1800 011 046, or Tasmanian Lifeline on 1800 984 434 from 8 a.m. to 8 p.m.

Marinus Link

[6.06 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, the flooding of a third of Pakistan, which we have all been witness to, has occurred at just 1.2 degrees of global heating. We are on track now to increase more than three degrees. All countries and Tasmania have been given very clear directions from Antonio Gueterres, the head of the United Nations, to race toward decarbonisation with urgency.

We have substantial carbon dioxide emissions from transport and industry in Tasmania and electrifying these industries is the first order of business for our Government. It will take money, it will take electrons, and it will take planning. The Greens are deeply concerned at the Liberals' push to build a very expensive Marinus Link project, the second and third interconnectors, to export renewable windfarm generated electricity to mainland states and doing this without a plan to electrify Tasmania. It is also without an open cost-benefit analysis

that has ever been released; without details of who will pay; without any explanation of how a far-flung interconnector away from markets ostensibly to provide firming in the wind generated National Electricity Market, can compete with the overwhelming take-up of very large storage batteries by most state governments.

For the past five years, Guy Barnett as Energy minister has been pushing Marinus Link on behalf of TasNetworks but he has never come clean with Tasmanians about the central issue of who will pay the $3.5 billion project. That figure is five years old now, so we can all expect it to be in the order $5 billion for starters.

The independent news organisation *Tasmanian Inquirer* has uncovered that TasNetworks has also been secretly spending more than $1 million on lobbyists, to 'subtly activate influencers, including politicians, in support of the project'. TasNetworks hired political lobbyists in Canberra, Victoria and Tasmania as part of a two-year campaign to attempt to win support for this incredibly costly new interconnector. They have refused to disclose the original cost of the contract, but RTI documents from the *Tasmanian Inquirer* showed the contract was increased to $1 075 000 before Christmas last year.

Tas Networks signed a two-year contract in March 2021 with the Canberra-based firm 89 Degrees East, which heads a consortium of two lobbying firms in Canberra: DPG Advisory Solutions, owned by David Gazzard, a former News Corp journalist with ties to the Liberal Party who was an adviser to ex-prime minister John Howard, and in Tasmania, our dear friends Font PR, including three partners at the time in Hobart, Becher Townshend, Brad Stansfield - who of course was the Liberal chief of staff and architect of the 2018 election - and then Brad Nowland.

The lobbyist brief, the spin brief, was an influencer engagement strategy followed by a stage of influencer activation to promote this controversial electricity transmission project. Their winning pitch of 89 Degrees East was to 'craft a dedicated government relations strategy, including navigating upcoming federal and state elections to best advantage'. They said they 'initiate positive advocacy' to 'improve public sentiment in north-west Tasmania and Gippsland in Victoria'.

TasNetworks has been secretly spending public money in an attempt to counter media coverage of criticism of Marinus Link from Tasmanians who are questioning the cost, and communities in the north and north-west who are freaking out at the industrialisation of their landscape.

TasNetworks should have listed the contract in its last annual report or issued a media release, but it did not do either. The only reason it has come to light is because the register of lobbyists shows TasNetworks hired Font PR, but when Bob Burton asked them to confirm the contract related to Marinus, TasNetworks refused. They later buckled under the RTI request and confirmed it had.

Mr Speaker, if Marinus Link is such a good project and lobbyists are benignly engaging with key stakeholders nationwide, as TasNetworks would propend, why all the secrecy? Why has TasNetworks not published the records of the contract, the minutes of the steering committee meetings on the website? Why can we not see what TasNetworks is spending our million dollars on at a time of soaring electricity prices, when Tasmanians are scrimping and saving.

Tasmanians have been paying for a PR machine that is tasked to promote a product that does not have any substance to back up its claims. Who are the 'influencers' these highly paid PR groups are going to subtly activate? What do they do? Would they ever disclose the work they do for TasNetworks? Why does a government-owned company need influencers to sell an idea to communities and other politicians? When did Guy Barnett as shareholder minister hear about this campaign? Bob Burton is spot-on when he called it a stealth campaign to dominate the public debate on controversial projects and drown out dissenting voices.

Hydro and TasNetworks are desperate to remain on a footing with the big mainland energy payers in this coming renewable century. Millions of dollars are sloshing around. The Liberals have never presented the cost/benefit case for Marinus, but someone has to pay the bills, and it is very unlikely to be Victoria, because they have just thrown their hat behind constructing the Kerang Link between north-east Victoria and New South Wales. This week they have also announced their own massive pumped hydro project.

The current energy market rules for infrastructure asset contributions, by our best 'back of the envelope' guess, is that mainland states would pay 10 per cent of the cost of the Marinus Link. Tasmanians would pay the rest.

Guy Barnett, as the Energy minister, needs to tell Tasmanians - who are rightly concerned - how much it is going to cost them for future power bills, and where is the plan to electrify Tasmanians with the wind energy that we are generating?

Local Government Elections

[6.13 p.m.]

Mr STREET (Franklin - Minister for Local Government) - Mr Speaker, I rise tonight to speak about the upcoming local government elections. This election will again be by postal ballot, but for the first time it will be compulsory voting. I consider this to be a landmark reform and a strong statement of the importance this Government places in the local government sector, but I also acknowledge the unanimous support that this particular change had in the Chamber as well.

Dr Woodruff - Hear, hear.

Mr STREET - Successful local government means attracting high-quality elected representatives that are reflective of and connected to their communities. More than 500 candidates have nominated for October's council elections. I am very encouraged by this turnout, and I am hopeful that it is an early indication that the message on compulsory voting is indeed reaching the community.

A significant advertising campaign is now underway to ensure all Tasmanian communities are aware of this new responsibility to vote. The main period for the campaign is leading up to the delivery of the ballot papers, so in the next few days, the Electoral Commission's campaign will be more visible on digital and broadcast channels, and we have committed additional resources to ensure its reach is as broad as possible.

It is expected that, over time, tens of thousands more Tasmanians will have their say at each council election as a result of these reforms. This will make elected officials in local

government more representative of - and hopefully more connected to - the needs and aspirations of their community.

This Government is committed to supporting the local government sector to ensure they have the skills required to make sound decisions on behalf of the community. That is why we partnered with LGAT to implement a statewide learning and development framework for elected officials. A pre-election learning package has recently been made available online, and a post-election online learning module will go live over the coming weeks. This package will develop councillor understanding of topics such as effective strategic planning, performance monitoring, risk management, good decision-making, and land use planning. I look forward to seeing the benefits this important work will bring to councillors and their councils.

Tasmanians will start receiving their postal ballot packs for their local councils from next Monday, 3 October. Once again, I remind everyone listening that voting is compulsory. Carefully follow the instructions that you receive for voting, and make sure you return your ballot in the post as soon as you can. The poll closes on Tuesday 25 October at 2 p.m.

I want to briefly acknowledge the concerns raised in the last few days by disability advocates regarding the upcoming council elections. All people with disabilities should be supported to vote independently and anonymously in local government elections. The Local Government Act 1993 includes a number of requirements that limit the ability of Tasmanian Electoral Commission to fully support Tasmanians with disabilities to vote unassisted in council elections - such as that a ballot paper be placed in an envelope signed by the elector. This makes it difficult for the commission to implement fully digital or audio-assisted voting options.

The Office of Local Government and the Tasmanian Electoral Commission have been working with advocates to identify short-term solutions. Further work will be done over the next few days to identify any other measures to assist people with disabilities to vote.

Mr Speaker, I want to be very clear that I appreciate this is not a long-term solution, and that we will need to amend the act to address this issue. I encourage anyone who needs assistance to vote to call the Tasmanian Electoral Commission on 1800 801 701. I am also more than happy for my office to take any queries people have about needing assistance to vote.

Mahsa Amini - Tribute

[6.16 p.m.]

Ms O'BYRNE (Bass) - Mr Speaker, I rise to discuss the right of women to wear whatever they choose, and whatever is appropriate to them and to their faith. The right to wear a hijab - the right not to wear a hijab, in fact. I rise to join the international criticism that is being levelled over the death of a young Iranian woman, Mahsa Amini, who died while she was being held by the country's morality police.

I will just touch on morality police, in case people think it is not something that might impact on us. My husband is South African-Indian. When we were married in his country, our marriage would have been illegal under morality legislation - so they are not far away from us.

I also rise about the international criticism about the government's response to protests that have erupted across the country, causing unrest and clashes with their security forces. Ms Amini was visiting Iran's capital, Tehran, from her hometown in the country's western Kurdish region. She was arrested by the morality police on September 13 because she was wearing her hijab too loosely. While in police custody, she fell into a coma, and died three days later.

The morality police is the component of Iran's law enforcement tasked with enforcing the country's laws against immodesty and societal vices. The country requires women to wear the headscarf in a way that completely covers their hair when in public. The hijab has been compulsory for women in Iran since the 1979 Islamic Revolution, and the morality police are charged with enforcing that and other restrictions. Iranian women do have full access to education, work outside the home, and can hold public office. But they are required to dress modestly in public, which includes wearing a hijab, as well as long, loose-fitting robes.

Protests following Ms Amini's death began on Saturday last week and spread to more than 80 Iranian cities. Most of the demonstrations have been concentrated in the Kurdish-populated areas. A human rights group says around 31 civilians have been killed in the unrest; the state television puts the death toll at 17. The demonstrations over her death are the biggest in the Islamic Republic since 2019, when they erupted over the government hiking up the price of gasoline. Human rights groups say hundreds were killed in the crackdown that followed, the deadliest violence since the 1979 Islamic Revolution.

Women have been protesting. Women have been cutting their hair. Women have been tearing off their mandatory headscarfs. I say this recognising that those who choose to wear one have absolutely just as much right to do so.

The Australian Government has said they are alarmed by the heavy-handed measures Iranian authorities have implemented, including the use of violence against protesters, and support the right of the Iranian people to protest peacefully. They have called on the Iranian government to exercise restraint in response to ongoing demonstrations.

There will be a vigil outside Parliament House Lawns on Saturday, from 4.30 p.m. to 5.30 p.m. I encourage those who can attend to do so. The right to wear what you choose should be respected, and the right to protest safely should also always be enshrined.

Mr ELLIS - Mr Speaker.

Mr SPEAKER - Honourable member for Braddon.

Ms O'BYRNE - Point of order, Mr Speaker. You would be aware that the standing orders require that you can only seek the call when you are sitting in your own chair. Mr Ellis was not sitting in his chair. Therefore, you cannot give him the call. That is the standing order. I know we have a very lax attitude to them now, which I find distressing, but members are supposed to rise from their own chair.

Mr SPEAKER - I will take that onboard in future. I have called the minister. The minister has the call.

Ms O'BYRNE - No, I am sorry, Mr Speaker. I ask you to rule on whether the rule is now that you can seek the call from any place in the room.

Mr SPEAKER - I will consider what you have said.

Ms O'BYRNE - I ask then that you seek advice from the Clerk. I believe the Standing Orders are very clear.

Mr SPEAKER - I have made the call in the sense I will consider the issue you have raised. I have given the call. We are on adjournment and there is plenty of time. I have given the call to the minister.

Ms O'BYRNE - That is not the point. The point is there are rules, Mr Speaker.

Mr SPEAKER - I have made a call on it. I have given the call to the minister.

Ms O'Byrne - Outrageous, absolutely outrageous.

Mr SPEAKER - Order.

National Police Remembrance Day

[6.21 p.m.]

Mr ELLIS (Braddon - Minister for Police, Fire and Emergency Management) - Mr Speaker, I wish to take this opportunity to acknowledge National Police Remembrance Day today. It is an important and solemn day. It is held throughout Australia and the south-west Pacific region. Today we remember and honour our police officers who have died while serving their communities, who have lost their battles with illness and have fallen through other circumstances.

Earlier today, the Tasmanian Police Academy, the Commissioner of Police, members of the Tasmanian Police Force and family and friends met to commemorate this important day. The Commissioner of Police spoke openly to the gathering about the loss we feel as community when a member of our police service passes.

This week in particular we mourn together the passing of Constable Sam Allen after a long battle with cancer. Today the commissioner has also recognised the 15th anniversary of the passing of Sergeant Frank Minella, and the 10th anniversary of the passing of Constable Stephen Ball. As we commemorate those who are no longer here with us, we are reminded that every dedicated person who wears a police badge often puts themselves in danger to protect our community.

I know many of the members in this place would have loved to have been there today, at the police academy, to mark this solemn moment and acknowledge the Premier and my shadow in this role, Ms O'Byrne, for their acknowledgements as well today for National Police Remembrance Day.

Our police force, our members, are truly some of the best of us and the dedication that they show; their service, their sacrifice and that too of their families, should never be forgotten.

I want to take this opportunity once more to respectively honour memories of all our fallen police officers on National Police Remembrance Day.

Tasmanian Forest and Forest Products Network Conference

[6.23 p.m.]

Dr BROAD (Braddon) - Mr Speaker, I rise on adjournment to talk about the Tasmanian Forest and Forest Products Network Conference, which was held in Launceston last Wednesday.

It was a fantastic event. It was very well run and attended. The mood in the room was extraordinary. It started off with a breakfast with three industry icons, Bryan Hayes, Tony Price and Peter Volker. They talked about their experiences in the industry and how they had seen things change. One thing that became clear is that if you combine their well over 100 years of experience in the forest industry, that they are people to be listened to. They also talked, not just about the past, but about the future of the industry. It also became very clear about the importance of the relationships those three had built up amongst themselves over that period of time. Tony Price and Peter Volker actually met way back at university, studying to be foresters and have kept that relationship, and are still good friends, well into their senior, more experienced years.

The conference kicked off with an opening by convenor Therese Taylor. Paul Higgins, a futurist and a strategist from Victoria, talked about the future of forest industry and gave the industry participants in the room some things to think about including, from his experience in the pork industry, I think it is called the Pork Board. He talked about the issues they had to deal with in terms of sow stalls and how they dealt with difficult issues and potentially, some lessons for the forest industry in how to navigate through some stormy waters.

The conference then moved into what I thought was a really good format, where they had a series of panel discussions. What can happen at conferences is death by PowerPoint. Someone sits up there and just clicks through PowerPoints and everyone falls asleep. They had a really good format where a number of speakers got up and did a short presentation for about three or four minutes with a limited number of slides - most of them did not use PowerPoint - and there would be questions from the floor. It worked really well as a conference.

As a scientist I have been to many conferences. At most of them I am bored to tears. This one was very engaging. We got through a lot of content. It was the best bits of every speaker. The conference went through some really interesting discussions, including a simple question, Why plant a tree? That discussed a lot of things about the future of the markets, the benefits of capturing carbon, but it also talked about the future of the industry and some of the innovation that is going on.

Then they moved on to innovation and how it is everyone's job. How do we do forestry better? The participants in that panel talked about not only how to grow trees better but how to market better. There was a really interesting contribution from Andrew Morgan from SFM talking about the carbon markets and the way that now there is some certainty, especially from the change in the federal government, how the markets are opening up. Carbon now is a key part of any discussion on forestry, the future of the carbon markets and so on.

There was also talk about better design of wooden products and so on.

We then came to a panel on why invest in the forest industry? That had some very interesting speakers too. I was very impressed to hear from Ralph Belperio from Aurecon, who is an expert in the construction of wooden buildings. I am talking about big wooden buildings. In that discussion the interesting point was made that the average house contains about 12 cubic metres of timber, which equates to about 10 tonnes of carbon being locked up with every house that is built.

This flowed on into the next panel which was about attracting and retaining the right workforce for the future. That had a series of very good contributions from Lauren Carter, who works for JCH Harvest & Haulage. They also had Linda Crawford from Sustainable Timber Tasmania. I will give a shout out to Toby Thorpe from Climate Justice Initiatives. The thing that he pointed out was that we need younger people involved in forestry. He asked how many people in the room were under 30? Very few hands were raised. He made some very good points and he was simply excellent. His contribution was probably the one that people spoke about the most. He posed the questions that really needed to be asked.

Then we went on to the AGM and then a fantastic dinner. It was an amazing event. The room was full of enthusiasm. The vibe was really amazing. The Tasmanian Forest and Forest Products Network (TFFPN) has done a fantastic job in getting the industry together, the whole forest industry from planting the tree from the seed to the tree to the products, the marketing and even the end use of the products. The vibe in the room was amazing.

The next stage is to take that vibe out into the general community. This was a very forward-looking conference. It is a very forwarding-looking network. It is not about battles of the past, it is about positioning forests to have an amazing future, which I believe they should have. The challenge is to get across to the community that forestry is not a sunset industry. It is not part of the climate problem. One of the points that Toby Thorpe made was that young people need to understand that forestry is part of the future in reducing the impacts of climate change because every piece of timber that is used in a product is carbon that is locked up and that makes us more sustainable. It was an amazing conference - all credit to the organisers.

Clare Spillman - Slipstream Circus

[6.30 p.m.]

Ms DOW (Braddon - Deputy Leader of the Opposition) - Mr Speaker, I rise tonight to make a very brief contribution about a meeting that I had last week with Clare Spillman, who is a representative of Slipstream Circus. It is a very successful organisation working with our young people - and older people - across the north-west coast. It was a delight to meet with her.

I will raise two issues that she raised with me. The first is their desire to see capital improvements to the site where they are. They have good, willing support from the Central Coast Council to upgrade their facilities, but they are looking for funding. I am putting it on the record for the state Government to consider assisting this wonderful community organisation to upgrade their facilities to enable them to keep going and to work with more young people on the north-west coast.

The second issue they raised with me was about the Government's Ticket to Play scheme, and their ineligibility for this scheme. I understand that this program was recently expanded to include children and young people taking dance classes, for example, as a way for them to get some financial assistance and ensure equity of access for young people, no matter where they come from or their socioeconomic background. This is so important for their personal development.

I would like to see Mr Street expand the program to include eligibility for Slipstream Circus participants. They know of many young people in the local community who would benefit tremendously from being able to participate in the programs that they run. I will be writing to Mr Street to highlight this issue, and I hope that he considers it favourably.

Tasmanian Forest and Forest Products Network
Huon Valley Council - Withdrawal of the Draft Huon Valley Local Provision Schedule

[6.32 p.m.]

Mr WINTER (Franklin) - Mr Speaker, I rise to speak on a couple of topics. The first has already been covered by Dr Broad. Unfortunately I am going to echo a lot of his sentiments. We sat separately during the conference but we both saddled up for the whole day. We have not spoken about our reflections, but my reflections are quite similar to his.

The conference was set up in such a way that it was not boring. Conferences, as Dr Broad said, can be very boring. When I was at Tas ICT, I wish I could go back in time and hold them in the same format as the Tasmanian Forest and Forest Products Network set theirs up. It engaged the audience for the entire day and got the best out of each speaker. There were more than 20 speakers for a whole day, which is a lot for a single day conference when there is only one stage.

Having an interest in technology, I enjoyed the talk by Mike Ross from Indicium Dynamics. He discussed how he is using LoRa networks throughout forests to check for moisture content in the soil, prepare for bushfire season, and how he is able to do that instead of using old technology. It is an outstanding coming together of new technology with an old industry and making sure that we are doing things much better. That is what the whole conference was about.

We heard from Rob de Fégely, who is also the chair of Sustainable Timber Tasmania. He talked about Australia's position as a leading jurisdiction when it comes to a sustainable timber or forestry industry and the fact that we are still importing timber into Australia from places that do not necessarily have the same level of regulation as Tasmania and the rest of Australia. That is something we should think about as a country, and also as a state.

We have a tremendously sustainable industry here in Tasmania that should be celebrated. As Dr Broad said, quoting Toby Thorpe, 2021 Young Tasmanian of the year, 'it is actually about the future'. Tasmanians should be told the story about what our forestry industry can do for our state economically and also for climate change. Toby has a completely unique take on this, because he is from a forestry family in a forestry town in a forestry region who also is passionate about climate change. He is someone who can bring those two concepts together and explain to people, really well, about the positive contribution that the forestry industry can make for climate change in this state. As Dr Broad said, everyone at dinner was talking about

his contribution to the day, which was so unique, not just because of that, but also because he is so young, and he did point out, and we all felt very bad for being over the age of 30.

Mr Speaker, I am not the spokesperson in this area, but it is a really important industry in the Huon Valley where I represent, and I want to make sure that I am completely across not just what is happening in the sector now, but what is happening in the future. That conference was a great example where the forest industry that was perhaps in the past not looking to the future, and perhaps not innovating as well as it could, this conference allowed the industry to come together to hear from people from outside of the sector to talk about innovation to get to know each other, and it was a great example of an industry that is looking forward, not backward.

I congratulate the whole team there for putting it together. Romany Brodribb, the manager of communications and member services, did a fantastic job putting it together, and also to the convenor, Therese Taylor, for organising it as well.

I also want to speak about what happened at that Huon Valley Council last night. Members may be aware that new statewide planning scheme, which is not statewide, is perhaps, in my view, the worst of the Government's performances over the past nine years. The inability of this Government to get in place a statewide planning scheme after almost a decade must be, if not the biggest, one of its biggest failures. Last night, Huon Valley Council listened to its community and decided to go back to the Planning Commission and not go ahead with the Local Provisions Schedule (LPS) that it had planned to. It undertook option three, decision pathway three, which is that it withdrew the draft Huon Valley Local Provision Schedule, and I think that is a very good thing.

We heard yesterday from the Planning Minister that only 15 of 29 councils have moved over to the new planning scheme. That speaks volumes. After nearly nine years, this Government's statewide planning scheme will never happen, because there will never be a single, statewide planning scheme, as it promised, and the new planning scheme they have in place across the 15 jurisdictions is worse than the old planning scheme.

We spoke to a council only a couple of weeks ago who told us that it is worse. They have had to employ new planners, and that they are actually finding it more difficult to get approvals because of the new planning scheme. It is longer, more onerous, more expensive, and worse than the old planning scheme. We have wasted nine years getting to this point.

This is a fundamental failure and it has a serious relationship to the housing crisis in Tasmania. It is too hard to get a home built in this state, and it is because of this Government's failure to deliver on the planning reforms that it said was going to be faster, cheaper, whatever the words were. None of them came true. This has been a fundamental failure.

Well done to the Huon Valley Council last night, and also to Mark Jessup who created the Huon Valley Zoning Association. Well done to Mark and his team, who have fought the fight against the proposed changes in that community. They did a fantastic job. There were more than 400 submissions, which is a huge number for this issue. I am glad that the council made the decision that it did. The Government should seriously reflect on its record on planning and housing in this state.

York Park - Blockbuster Games

[6.39 p.m.]

Ms FINLAY (Bass) - Mr Speaker, I rise this evening to provide my reflection on this week in parliament, and in particular, on a matter that was raised today. In fact, it was not raised because there was no response given to a question in question time this morning.

Generally, when I speak in this place, it is our responsibility to speak for all Tasmanians. As the member for Bass, I want to focus on some comments around Bass this evening and my concerns about broken promises. It was suggested by the Premier this morning that parochialism is not something that is positive in Tasmania, and I would agree. However, making and delivering on promises is absolutely important to all Tasmanians.

This morning, the Premier was asked about the commitment to Launceston and northern Tasmania about the marque, or blockbuster games as they are known to some people. Games that are committed to be delivered out of York Park. When that question was raised this morning the Premier did not have an answer. He skirted around it in all sorts of other ways but refused to back in and commit that Launceston and northern Tasmania would continue to have marque games played at York Park.

We know, as we have uncovered over the last few weeks, that this Government has not done its work and its does do not know the true costs of the stadium proposed in Hobart. The Government does not understand the full capital costs and it does not understand the operational costs because it has not done the work and it does not have a business case. In doing so it has done some figures and has been presented with some information that suggests to make this stadium viable, it will have to host 44 events, that is one event every eight days.

In order to do that anyone who understands the economy and the capacity of the economy, there is no question that they will have to drag away, not only the marque football games from northern Tasmania but the additional marque events that have been promised to that community. I note that Mr Wood, member for Bass, is here in the Chamber and I wonder what he personally thinks about this stadium being built in Hobart and taking away the commitments and breaking the promises of the people to Bass and northern Tasmania.

This Government is on the record, it has said that any development of AFL in Tasmania would not take away what has been community and business-saving activities in winter around marque football events and marque events. This morning when asked about this the Premier was not able to provide a clear answer and it is not acceptable. It is not acceptable to rob Peter to pay Paul to put another stadium in Hobart that is not needed or wanted by Tasmanians and to take away the benefits of the existing infrastructure that already serves AFL really well.

My reflections on this week are if this Government is serious and actually wants to continue with developing this stadium in Hobart then it needs to back-in the commitments already made. They need to make sure they complete the improvements that are going to happen at York Park in northern Tasmania. They need to make sure they continue to commit to the marque not only AFL games but other events that they have said will continue to be delivered out of Launceston and northern Tasmania. As proposed this morning in a question by another member of this place, for instance the funding that they say this stadium might cost, they have already proposed $580 million for a master plan for the Launceston General

Hospital. They could deliver on that project now with the funds that they are proposing for this other stadium.

As far as we have seen there are hardly any funds committed for that next stage master plan for the Launceston General Hospital. While this Government is so obsessed with the development of this new stadium in Hobart what I want to know for the people of Launceston and northern Tasmania, for the people of Bass is, will this Government back-in the commitment to continue the improvements at York Park? Will they back in the marquee games for AFL and other blockbuster events that serve Launceston and northern Tasmania.

The House adjourned at 6.43 p.m.