



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Wednesday 9 December 2020

REVISED EDITION

Wednesday 9 December 2020

The President, **Mr Farrell**, took the Chair at 11.00 a.m., acknowledged the Traditional People and read Prayers.

QUESTIONS ON NOTICE

Mrs Hiscutt (by leave) tabled and incorporated the following answers to questions on notice.

48. LAUNCESTON GENERAL HOSPITAL EMERGENCY DEPARTMENT SURVEY - INSYNC

Ms ARMITAGE asked a question of the Leader of the Government in the Legislative Council -

- (1) (a) In the instance whereby a Queensland firm, Insync, was engaged to conduct a survey on behalf of the Launceston General Hospital Emergency Department attendees earlier this year, were any Tasmanian firms considered?

(b) If not, why not?
- (2) (a) As per an answer to a question without notice received on 10 November 2020, advising that Insync was sourced as a part of a quotation process by the Tasmanian Health Service, were any Tasmanian firms approached to quote for this \$12 911 (excl. GST) contract?

(b) If not, why not?
- (3) (a) Why has the Government indicated that the only alternative to engaging an interstate firm for this service would be ask Emergency Department staff to conduct a survey, rather than exploring the possibility of engaging a Tasmania-based service?

(b) Is this how procurement practices are approached more generally?
- (4) Can Tasmanian businesses and service providers have confidence going forward that they will be considered for Tasmanian government, department and agency service provision?
- (5) Will the Government guarantee that Tasmania-based businesses will be approached in the first instance for procurement of goods and services, and that all efforts will be made to work with them to provide such opportunities?

Answer incorporated as follows -

(1)(a) and (b)

All health services accredited under the National Safety and Quality Health Service - NSQHS - Standards are required to collect patient experience feedback surveys.

I am advised Insync was appointed by the Tasmanian Health Service -THS - following receipt of a quote.

Due to time limitations and the cost associated with developing a survey, the operational decision was made to directly appoint Insync, as it had undertaken previous patient experience and engagement surveys for the Launceston General Hospital Emergency Department.

At the time of appointing Insync, the department was not aware of any Tasmanian firms able to undertake the work required. At the expiration of the current contract in approximately June 2021, the department intends to undertake a procurement process.

Any Tasmanian firms that have capability to undertake this work are encouraged to provide a submission to any future processes.

(2)(a) and (b)

Insync was appointed following receipt of a quote to undertake the Launceston General Hospital Emergency Department survey.

At the time of appointing Insync, the department was not aware of any Tasmanian firms able to undertake the work required. At the expiration of the current contract in approximately June 2021, the department intends to undertake another procurement process.

Any Tasmanian firms that have capability to undertake this work are encouraged to provide a submission to any future processes.

(3)(a) and (b)

It is estimated by the THS that using internal staff would have cost an estimated \$30 000 to \$40 000. This estimate was provided as a comparison to the current cost of \$12 911. Using internal staff may have been the only available alternative due to survey results needing to be available for accreditation purposes.

Using internal staff would have met the accreditation requirements of the survey; however, these staff would have needed to be resourced from existing resources.

(4) This Government is a strong supporter of Tasmanian businesses. Any Tasmanian firms with the capability to undertake this work are encouraged to provide a submission to any future processes.

- (5) The Treasurer's Instructions establish the framework within which the Tasmanian Health Service operates for the purchase of goods and services. The Government's procurement framework will continue to be applied for all procurement.

45. AMBULANCE TASMANIA - NORTH-WEST REGIONAL AREAS

Ms FORREST asked a question of the Leader of the Government in the Legislative Council -

With regard to Ambulance Tasmania response times, staffing levels and procedures in the north-west region municipal areas of Burnie, Waratah-Wynyard, West Coast, Circular Head, Central Coast, Devonport, Latrobe, and Kentish -

- (1) What is the average time taken for an ambulance to attend a 000 call-out in each municipal area?
- (2) For each municipal area, what is the breakdown of -
 - (a) salaried staff;
 - (b) students in training; and
 - (c) volunteer ambulance officers?
- (3)
 - (a) What are the current shift times in each municipal area?
 - (b) What is the breakdown of wait times across each shift period in each municipal area?
- (4)
 - (a) What are the on-call arrangements in place in addition to the rostered shifts in each municipal area, and how do these arrangements work?
 - (b) What is the breakdown of the data to identify weekdays, as opposed to weekends, across each municipal area?
- (5)
 - (a) Are volunteer ambulance officers engaged, or required to support, ambulance officers/paramedics in each municipal area?
 - (b) If so, when are they engaged or required, and how far away from the location of the patient are they called from?
- (6)
 - (a) Are single ambulance officers required to attend call-outs as first responders?
 - (b) If so, when and why does this occur, and how many times in the last 18 months has this occurred in each municipal area?

- (7) Reported by municipal area -
- (a) What are the levels of overtime reported monthly over the last 18 months?
 - (b) How often have double shifts been worked each month over the last 18 months?
- (8) (a) Is the Wynyard Ambulance Station now operating as a 24-hour station?
- (b) If not, why not?
- (9) (a) What alternative transport options are available to patients on weekends when patient transfer services are not operational?
- (b) What is the cost of each of these transport options, and how are these funded?

Answer incorporated as follows -

- (1) The ambulance emergency response time is the difference in time between an emergency triple zero call being received by the Ambulance Tasmania State Operations Centre, and the first ambulance vehicle arriving at the location of the patient.

LGA name	Median emergency response time (minutes)
Burnie	10.7
Central Coast	13.9
Circular Head	17.2
Devonport	11.2
Kentish	17.0
Latrobe	13.0
Waratah-Wynyard	13.8
West Coast	17.2

- (2) (a) Salaried staff -

LGA Name	Salaried staff
Burnie	46
Central Coast	Drawn from Devonport
Circular Head	2
Devonport	68
Kentish	2

LGA Name	Salaried staff
Latrobe	Drawn from Devonport
Waratah-Wynyard	5
West Coast	4

(b) Students in training -

Intensive Care Paramedic (ICP) course -

- Ambulance Tasmania operates an in-house ICP course. Two courses have been run statewide this calendar year.
- There is currently one ICP student in the north-west region.

Paramedic internship -

- Ambulance Tasmania employs qualified paramedics who have completed a Bachelor of Paramedicine.
- Ambulance Tasmania requires newly qualified paramedics to undertake a 12-month internship prior to becoming an independent practitioner.
- There are currently 13 paramedics undertaking their internship training in the north-west region.

(c) Volunteer ambulance officers -

There are 97 active VAOs in the north-west region -

LGA name	Volunteer officers
Burnie	Salaried only
Central Coast	Salaried only
Circular Head	15
King Island	14
Kentish	23
Latrobe	Salaried only
Waratah-Wynyard	22
West Coast	23

Some VAOs are presently taking leave from frontline duties, as they are identified as a vulnerable person with regard to the COVID-19 pandemic.

- (3) (a) Current shift times in each municipal area -

GA name	Shift times
Burnie	10 hour day, 14 hour night
Central Coast	10 hour day, 14 hour night
Circular Head	11.5 hour day, 12.5 hour on-call
Devonport	10 hour day, 14 hour night
Kentish	11.5 hour day, 12.5 hour on-call
Latrobe	10 hour day, 14 hour night 11.5 hour day, 11.5 hour afternoon
Waratah-Wynyard	10 hour day, 14 hour night
West Coast	11.5 hour day, 12.5 hour on-call

- (b) Ambulance Tasmania does not currently have this level of reporting built into its business intelligence systems.
- (4) (a) There are no on-call arrangements outside of the current roster for Wynyard, Burnie, Ulverstone, Devonport and Latrobe stations. These facilities are crewed with a paid staff member on a 24-hour, seven days per week basis.

Stations outside these areas are crewed with a rostered paramedic during the day, who is then on call for 14 hours overnight. If the paramedic receives a call during the 14-hour on-call period, they complete the case and then are subject to a period of nine hours rest and recovery.

- (b) Ambulance Tasmania operates a 24-hour a day response capability. As such, there is no difference between weekdays and weekends.
- (5) (a) Volunteers are not utilised in Burnie, Central Coast and Latrobe, with paramedic crews rostered on 24 hours per day.
- (b) The State Operations Centre receives 000 calls and dispatches ambulance responses according to the priority level of the case.

VAOs are paged, and respond to the call in an ambulance vehicle. VAOs may be working alongside a paramedic or with other volunteers. In the north-west region, volunteer-only stations are located at Tullah, Rosebery and Strahan.

In the north-west region, a community emergency response team operates from Port Sorell. A CERT is a volunteer-only response, which is not attached to a station.

The location of the patient in relation to the VAO will vary from case to case. The area that the case is located within defines what ambulance station is activated to respond.

- (6) (a) Single responder paramedics are required to attend call-outs as first responders. Paramedics are trained to deliver life-saving medical interventions as a single responder.

At single (a paramedic is rostered on in the day, and on call overnight) and double branch stations (a paramedic is rostered 24 hours per day), the branch station officer may be required to respond as a single responder if there are no VAOs available to respond to a call. In these cases, the nearest double-crewed ambulance is deployed to provide back-up.

- (b) Ambulance Tasmania does not currently have this level of reporting built into its business intelligence systems.

- (7) (a) Ambulance Tasmania cannot provide a breakdown of overtime by municipality.

The overtime costs for the north-west region in hours, from April 2019 to September 2020 -

Apr 2019	1584.37
May 2019	759.73
Jun 2019	1156.21
Jul 2019	1924.61
Aug 2019	1245.21
Sep 2019	1455.88
Oct 2019	1544.09
Nov 2019	1330.25
Dec 2019	1961
Jan 2020	1143
Feb 2020	1302
Mar 2020	1605.75
Apr 2020	2691.75
May 2020	4581.25
Jun 2020	1679
Jul 2020	1589
Aug 2020	1825.25
Sep 2020	2177.75

(b) Double shifts are not permitted under the Ambulance Tasmania Award.

(8)(a) and (b)

Wynyard station transitioned from a single branch station to a double branch station (a paramedic is rostered 24 hours per day) on 17 June 2019.

(9) (a) Ambulance Tasmania NEPT is available in the north-west and south between 8 a.m. and midnight, and in Launceston between 8 a.m. and 8 p.m.

Private non-emergency patient transport providers work across both the private and public health system, and transfers typically happen between hospitals or between hospitals and day procedure centres, and include residential aged care patients for planned medical appointments -

- 24/7 service is provided, and prebooking is preferred.
- Home pick-ups are available.
- Non-urgent patient transport is arranged by health facilities for those patients who need basic care and observation but do not have high medical needs.
- The Tasmanian health system outsources NEPT to a panel of five private NEPT providers: Ambulance Private Pty Ltd, St John Ambulance Tasmania, the Royal Flying Doctor Service Victoria, Moreton Group Medical Services, and Medical Edge Australia. The panel exists as an overflow service for when Ambulance Tasmania is unable to meet demand. Ambulance Tasmania is the largest provider of NEPT services in Tasmania, undertaking approximately 65 per cent of NEPT work.
- Four of the five private non-emergency patient transport services have escalated their preparedness to transport COVID-19 patients by quarantining dedicated vehicles for transport of suspected or confirmed COVID-19 patients, strengthening infection control policies and processes, staff education and training, particularly around person protective equipment use, and environmental cleaning prevention strategies.

Community Transport Services Tasmania provide various services statewide. Prebookings would be required. Home and Community Care and Commonwealth Home Support Program are funded jointly by the Commonwealth and Tasmanian Governments.

(b) Detail regarding the associated costs and how they are funded is unable to be provided, as it is variable and depends on the service provided and the service provider. Costs can also vary depending on the time of day and the distance travelled.

In broad terms, the Government is making significant investments into supporting ambulance services, with \$134.6 million allocated in the Budget for 2020-21 - a 33 per cent increase in funding year on year.

APPROPRIATION BILL (No. 1) 2020 (No. 46)

In Committee

Resumed from 8 December 2020, page 105.

DIVISION 10

(Department of Primary Industries, Parks, Water and Environment)

Minister for Racing -

Output Group 5

Racing Regulation and Policy

Output 5.1 - Racing Regulation and Policy -

Ms RATTRAY - Madam Chair, I do not believe it will be lost on anyone in this House, or the minister, that I have a great interest in greyhound racing. They are good people involved in the industry, and I know the minister would endorse that.

My interest obviously led to some questions through the Estimates process. I asked about the reasons for the decreased targets for graded greyhound races since 2017 and 2018. I remind members who were in the committee, and those who were not, that actual races graded in 2017-18 were 1783, and the actual in 2018-19 was 1660.

I am pleased to advise that the original number provided in Estimates has been revised. I received a new number this morning, and I thank the minister and her office for providing this. In the actual for 2019-20, 1252 races were graded, and then the target for 2020-21 was 1650. However, the actual for 2019-20 is 1362 - and that is 1307 races, and then 55 graded trials.

There were 10 fewer weeks of racing in Tasmania from March through to June 14, which obviously will account for there being less of those gradings.

My question was around that target figure. As I said, the target for 2020-21 is 1650, but given that the total for 2019-20 is only 1362, I am just interested in that target figure.

Is that just a figure perhaps somewhere between what we had in 2017-18 and what have been the actuals of 2017-18 and 2018-19? It is 133 races fewer than what we had back in 2017-18, so I am interested in what the minister can give me by way of how we are going to keep the industry sustainable into the future - because if you do not have races, you do not have that community support and that interest.

It is a really important part of the racing trio, so I am interested in those numbers. Again, I thank the minister's office for providing those updated figures this morning, which are better than the 1252 that was the actual in the Budget Papers.

I guess it is just a clear reminder that members of this Chamber do read the Budget Papers, and we do take note of what is in them.

Ms HOWLETT - I thank the member for her question. The number of races is expected to be the same as 2017-18 and 2018-19. The difference with 2017-18 is the number of trials. As the honourable member would know, I am a very strong supporter of all three codes of racing. I will do everything that I possibly can to ensure that racing is sustained into the future. Thank you, Madam Chair.

Ms RATTRAY - I thank the minister for her response. Can I take it from your answer that you have provided, that the 181 graded trials, that will actually be somewhere around how many graded trials there will be for the 2020-21 racing season? I find that somewhat interesting that in 2018-19, pre-COVID-19, that there were only 75 graded trials. Can I have an explanation around why the minister believes that we will get back to a figure of around 181 or thereabouts, when 2018-19 only recorded 75 graded trials? In an explanation that the committee received in writing, it says, ORI graded 181 trials - that is the 2017-18 season, or time period for having those figures available - due to an increased level of nominations for these trial events.

I am certainly going to be very impressed if the minister believes that the industry is going to grow that much in the 2020-21 season. Given that we have only had 75 graded races in 2018-19, I am not sure how that is going to happen, but I will be happy for the answer if it is.

Ms HOWLETT - I thank the member for her question. The number of graded trials depends on the number of industry nominations.

Ms RATTRAY - I absolutely appreciate that it can only be on the level of nominations. But are there enough greyhounds racing to actually need those graded trials? It is about the numbers in the industry. Without the dogs, and without the dogs racing and having those graded trials, I am not entirely convinced that the industry is going to get back to where it was in 2017-18. I hope it does, but I am not convinced, given that the number of litters that are being bred are somewhat reduced. We know there have been a lot of welfare issues, if you like, for the industry. They are the ones that have taken the heat on welfare for some time now. I do believe that horses are starting to get their turn a well, but the greyhounds have taken the heavy lifting when it comes to animal welfare.

I am again interested in whether the minister is absolutely certain that we are going to get back to that many trials when there are not as many greyhounds racing and are ready for racing, particularly now that we have track redevelopments. We need trials. I was talking to someone only a couple of days ago, where they said that in the Devonport situation that you are not going to take a dog to Launceston just to trial it. You have to have tracks close by. It is not like you can run a dog around your paddock like you can trot a horse around the paddock, if you like, if you are just training them. I see that from time to time, where you will see a circle in a paddock, and you know that someone is training their horse in their paddock. It does not work like that for dogs.

Ms HOWLETT - The Government is committed to the greyhound racing code and that is why we are investing \$8 million in a new track at Devonport. We understand how important trials are, and how important the standard breed and greyhound industries are to Tasmania, particularly rural and regional Tasmania.

That is why we have given our commitment to invest in a new track on the north-west coast. Consultation started last week and we will have more to say over the next six weeks or so. As far as confidence in the industry goes, that is why we are continuing to invest in an increase in stakes. We have had a 6 per cent increase this year and we will continue to increase stakes next year.

Mr DEAN - During Estimates, I asked a question in relation to jockeys and whether they were able to bet on any races. The answer given was along the lines of 'Yes, they could, but they could not bet on any races in which they were riding in themselves.'. I doubted that answer when I got it but I was not absolutely certain so I did not take it any further.

Since then, I have received a letter from the Director of Racing, John King, from the Office of Racing Integrity, in which he said he had erred, and jockeys were not able to bet at all on any races. He signs off by apologising for that error, and I accept and appreciate that.

Because of the understanding of the Director of Racing in relation to that position, what work is being done in relation to jockeys and whether they are wagering on any races at any meetings they are involved in, or outside of those meetings? What work is being done? Have any jockeys been identified as not adhering to that requirement and policy? What action has been taken, if any, and what has occurred as a result of it?

Madam CHAIR - I have allowed the member a bit of leeway. This was not identified as a topic that was up for debate, but if the minister is able to answer it.

Ms HOWLETT - Jockeys certainly cannot bet here or in other jurisdictions.

Mr Dean - You did not correct the director during Estimates.

Ms HOWLETT - Mr King has written to you and explained that he made a mistake and the statement was incorrect. As far as how many jockeys have been caught out for betting, that is something I will have to take on notice and I am happy to provide that information to you.

Mr DEAN - Yes, thank you. I hear what you say, Chair, in relation to this matter, but this was a question taken on notice in Estimates. This was an answer given back to us, that an incorrect answer had been given during the Estimates process, hence the reason I asked the question today.

Madam CHAIR - Do you have a further question?

Mr DEAN - The issue is that where matters that impact on the Appropriation Bills and answers are not given, it becomes difficult for some members at the end of the day to sign off on those bills. We are still waiting for answers in relation to a number of these issues. It is not my intention to hold up the process, but it does make it difficult. I do not have a problem with some questions being taken on notice but there have been quite a few taken on notice. I cannot do much about that and I will have to accept it.

Ms HOWLETT - Member, that was not a question originally taken on notice in Estimates. I will have that information to you by the end of today.

Mr Dean - It was an error made in Estimates.

Ms HOWLETT - If an error was made -

Mr Dean - An incorrect -

Ms HOWLETT - An incorrect statement was made by Mr King who has written to you as Chair and corrected the record. As far as how many jockeys have been convicted for gambling illegally, I will have to take that on notice and will have that information to you by the end of today.

Mr Dean - Had the answer been given at the time I asked the question about whether jockeys could wager or not and was informed that, no, they cannot, obviously I would have asked these further questions. That was the reason for putting that question in the first place.

Ms HOWLETT - No, I appreciate that. If I can have until the end of today to provide you with the information, I would appreciate that.

Mr Dean - Yes.

Output 5.1 agreed to.

Division agreed to without request and amendment.

DIVISION 11

(Department of State Growth)

Output Group 90

COVID-19 Response and Recovery

90.3 Business Support Loan Scheme - Interest Costs -

Ms LOVELL - I have had a further clarification from the question on notice that was taken during hearings, to provide a breakdown of successful applications for the Business Support Loan Scheme across key industry sectors, and a breakdown of the value of the successful applications. That answer has been provided - and thank you for the information provided - but I was actually after a breakdown of the amount approved for each successful application. I am hoping the Leader will be able to take this on notice. What has been provided is a total for the industry sector of approved loans in that sector. I was actually asking for the amount of money approved for each successful application, if that makes sense.

Mrs HISCUTT - I will read out what we have here. The maximum loan available under the COVID-19 Business Support Loan Scheme was \$250 000. By way of further detail, the Department of State Growth has advised that of the 357 loans progressed following approval, the average loan amount was \$96 690.87. There were 243 loans up to and including \$100 000, totalling \$12 325 869. There were 114 loans over \$100 000, totalling \$22 192 772. That

provides a breakdown by bands. We could probably go a little bit into smaller groups, but we do not have that information available here. Is the information I have provided enough?

Ms LOVELL - Thank you, Leader, and thank you for that further breakdown. What I was actually asking for was the amount of each successful loan. Does the department -

Mrs Hiscutt - While the member is on her feet -

Ms LOVELL - Of the 357 loans that were approved, how much was approved for each loan?

Mrs Hiscutt - Are you looking for the name of a person, a company, and how much?

Ms LOVELL - No. I am not looking for the identity at all. If I can give an example: in the table provided, the first industry is agriculture. Five applications were approved, and the sum of the loans amount was \$580 000. What I am asking for is, in agriculture, for the five loans approved, how much was each of the five loans approved for? I am not after any identifying details or any business names or anything like that, just by industry group, how much each loan was approved for.

Mrs HISCUTT - If the member is happy, we will take that on notice to see what information can be provided at a later date. It will not be today or tomorrow; are you happy with that?

Ms Lovell - Yes, absolutely, thank you.

Ms RATTRAY - With regard to the loan repayment time for those loans, what is the time frame for repayment of those loans? A \$500 000 loan is going to take a lot longer to repay than a \$96 000 loan. Is it on the quantum of the loan? What time frames sit around a support loan scheme repayment?

Mrs HISCUTT - Individual loans have individual terms approved. That would all be negotiated, but it is up to three years interest free and then it is up to five years of a maximum term. It could be anything within those.

Ms Rattray - Effectively, a \$500 000 loan is more than likely going to take the five years whereas a \$96 000 might be repaid within the no-interest time frame.

Mrs HISCUTT - That would be a reasonable assumption to make. To clarify, the maximum loan is up to \$250 000 under this scheme.

Output 90.3 agreed to.

Output Group 5 Cultural and Tourism Development

5.2 Arts Industry Development -

Mr WILLIE - During Estimates, the Minister for the Arts talked about the COVID-19 support stimulus to the cultural and creative sector. My question on notice was -

What was the spending for that sector per head of population without recreation being included?

The answer provided information about announcements that are in the public domain and some further information about the Tasmanian business grants and that sector being successful. There was no breakdown or removal of the recreation part of that provided.

Madam CHAIR - Did you ask them for the breakdown? Is that your question?

Mr Willie - No, I asked for recreation to be taken out.

Mrs HISCUTT - No recreation numbers were included. It was the creative cultural sector. There is nothing in between.

Mr Willie - Okay, so there is no grey area. Thank you for the clarification.

Ms RATTRAY - The per head of population, was that provided?

Mr Willie - Yes, they had a rationale about them. They used Australian Bureau of Statistics figures.

Ms RATTRAY - Can we have the dollar figure for the *Hansard*, thank you?

Mrs HISCUTT - The COVID-19 stimulus spending for the creative cultural sector per head of population, without recreation included, is \$21.87.

Ms Rattray - It is useful to have it on *Hansard*.

Output 5.2 agreed to.

Output Group 90 COVID-19 Response and Recovery

90.24 Small Business Sustainability and Recovery Assistance Package -

Ms WEBB - We had a question on notice about a breakdown of the grants provided to business around local government area and industry. Thank you for what was sent through.

I want to check about the consistency of what was sent through. It appears we have both elements for some of the grants, then the tables do not necessarily have both of those breakdowns for each of them. To be clear, in relation to the Small Business Emergency Support Grant program, we have recipients by local government area and by industry. In relation to the Small Business Hardship Grant program, we have local government area and industry. In relation to the Small Business Continuity Grant program, we have recipients by local government area, but no industry breakdown. If there is a reason that table was not provided, maybe just let us know. If there is not a reason and it was an oversight, could you please provide that table?

I am going to highlight the others - we have the Small Business Sustainability and Recovery Grant by local government area and by industry, although you did mess up your colour coding on those tables; and the Small Business Continuity Grant program, round 2, by local government area, but actually the same table was presented under the industry heading. I think we would need the industry table -

Madam CHAIR - There appears to be an error, you suggest?

Ms WEBB - Yes. There are two errors in that set and I wonder if you could correct them and send them through. Or is there a reason they were not provided?

Mrs Hiscutt - Which set?

Ms WEBB - We need the industry breakdown for the Small Business Continuity Grant program and the Small Business Continuity Grant program, round 2.

Mrs HISCUTT - There were also some notes to go along with that. One of them said specific industry data was not captured for the Small Business Continuity Grant program, round 1 and as a result, this data has not been provided.

With regard to your second question, that was an oversight and the information will be provided. For clarity, is this a question taken on notice? Are you happy with that?

Ms Webb - Yes.

Mrs HISCUTT - We will take that second part on notice and provide that to you when it comes.

Madam CHAIR - You can provide it to the committee.

Output 90.24 agreed to.

Output Group 90

COVID-19 Response and Recovery

90.21 Make Yourself at Home -

Ms WEBB - I am fine with the answer for that one, thank you.

Output 90.21 agreed to.

Division agreed to without amendment and without request.

DIVISION 12

(Department of Treasury and Finance)

Output Group 2

Economic and Fiscal Policy Advice

Output 2.3 agreed to.

Division agreed to without request and without amendment.

Tabled Paper - Answer to Question

Mrs HISCUTT - Madam Chair, we are just waiting for the minister to come back, is that appropriate? In the meantime, during the debate on Appropriation Bill (No. 1) 2020, for Division 5, Output Group 2, Health Services, 2.3 Emergency Department Services, I undertook to provide an answer to a question asked by the member for Rumney. I now seek leave to table the answer for that question.

Leave granted.

Mr DEAN - Madam Chair, I move -

That you request progress to seek leave to sit again for the purpose of recommitting Schedule 1, Division 2, Department of Communities (Minister for Sport and Recreation) Operating Services Output Group 4, Output 4.7 Sport and Recreation.

Motion agreed to.

Progress reported; Committee to sit again.

APPROPRIATION BILL (No. 1) 2020 (No. 46)

In Committee

Resumed from above.

DIVISION 2

(Department of Communities Tasmania)

Output Group 4

Disability Services and Community Development

Recommitted - 4.7 Sport and Recreation -

Mr DEAN - I thank members for their support for recommitting this area, because it is better dealt with here. This matter arose within the Estimates process and it arose again at the beginning of yesterday's proceedings. It is better dealt with here.

I need to give some background to it to ask a question in relation to the negotiations with the North Melbourne Football Club. I go back to the question and position raised during Estimates in putting this matter. In Estimates I asked -

What's the negotiations then with North Melbourne? Where are they at, do we know? What's happening there?

The Chairman interrupted and he said we had lost our best player. The minister answered -

I actually can't comment on that because it's a contract between, as you stated before, the TT-Line, and it's commercially in-confidence.

I did not ask her about a contract but, anyway. I then said -

I would have thought that the Government would have had an involvement here in AFL football and the state, and with North Melbourne playing in the south of the state. They - I use the word 'prompted' - TT-Line to sponsor them in the first place. Surely the Government must be somehow involved in the further negotiations with North Melbourne in the south?

I thought that question was perfectly clear and plain. The minister answered -

I would like to give you a definite response that that's certainly occurring at the moment, and I would say that it is. I will take that on notice and get that from the correct minister and provide you with those details.

The answer then comes back, Madam Chair. The question asked on notice was to provide an update on the Government's current negotiations with the North Melbourne AFL team. The answer coming back is clear -

The Government does not manage, is not involved in negotiations with the North Melbourne Football Club (NMFC). This is undertaken by TT-Line Company Pty Ltd as a commercial relationship with the club.

The answer there is saying there is nothing to do with the Government in the managing or involvement in any negotiations with North Melbourne Football Club. Yesterday I asked the question of the Leader -

During the Estimates process I raised the issue of the current position in relation to North Melbourne playing in Hobart. What is the Government's involvement in the North Melbourne position? Is it a given that they will be recontracted to come into Tasmania?

The answer was taken on notice - or part of it - and an answer came back to simply say the Government had no involvement at all -

Does the Government in some way or another have an interest in North Melbourne coming to play football for three or four games in this state? Has it not had discussions with the TT-Line? Did it not have discussions with the Does the Government in some way or another have an interest in North Melbourne coming to play football for three or four games in this state? Has it not had discussions with TT-Line? Did it not have discussions with the Hobart City Council or the Clarence City Council? Did it not have some

involvement somewhere? One would think it would be because of what it does for this state and the impact it would have on bringing people here. I ask: is that a case of absolutely no involvement whatsoever?

The Leader answered -

I think the member is quite right; it is a contract between TT-Line and the North Melbourne Football Club.

Again, I did not mention 'contract' -

Obviously, the member has received the full answer and he wants that clarified. It is a contract between TT-Line and the North Melbourne Football Club.

My response was -

I am well aware of the contract. However, I would think that a government of this state would have some involvement in the position North Melbourne would hold here. The Leader is telling us that the Government has had no discussions and no involvement whatsoever as to whether North Melbourne plays games here, absolutely none, zilch.

The Leader responded -

It is worth noting that contracts such as the one Tasmania has with the Hawthorn Football Club are managed through Events Tasmania and the Department of State Growth. Therefore, the Minister for Sport and Recreation of that Division of Sport and Recreation does not administer these types of contracts. We are trying to say that it is a contract between TT-Line and North Melbourne in Tasmania, even though the contract is issued and signed by those two, and it is unlikely that the minister would have any influence on that at all. It is a contract between two other parties.

That was the end of the discussion on that. I thank the member for Launceston in bringing to my notice that a media statement was made by the Premier in relation to this matter involving North Melbourne Football Club. The headlines in the papers today, both *The Examiner* and the *Mercury* - and perhaps there might be one in *The Advocate* as well, I did not look at that paper - in the *Mercury* the headline was '... Contracts on ice' and in *The Examiner*, it was 'Disrespect'. Comment is made in those media statements of the Premier referring to the ongoing and further discussions to be had with Hawthorn and the North Melbourne football clubs in relation to them playing games here.

I ask the question again: Does the Government have any involvement whatsoever in any negotiations with the North Melbourne Football Club to play games in this state? If so, and it is now reported in the papers, where are they at, or when are they to take place? What is the position?

In asking these questions, I am a bit disappointed because my questions were plain and clear at the time, even at the Estimates and again yesterday, on the position of North Melbourne

Football Club. I knew very clearly, in asking the question, that there were negotiations between the Government and North Melbourne. Anybody would know that in all the circumstances.

I ask that questions again: What is the situation? Why was I not given that answer when I first asked the question in Estimates and why was I not given that answer again yesterday when I asked the question?

Ms HOWLETT - I am aware of the Premier's comments around the negotiations with both Hawthorn Football Club and the North Melbourne Club not being finalised until clarification is sought from the AFL around what its intentions are in granting Tasmania a licence and giving us a pathway to move forward for us to have a team of our own. This is a matter for the Premier and AFL to discuss.

As far as TT-Line and North Melbourne are concerned, TT-Line is a GBE. I am not sure if they have actually started discussions right now, so I cannot tell you, but I am sure they will occur in the new year, for the contract with North Melbourne. That is a matter for the Premier, AFL and TT-Line.

Mr DEAN - I am having difficulties in getting the question through, quite obviously. I am not talking about the contract between the TT-Line and North Melbourne. I have never raised that and I am not interested in that.

I am interested in the Government's position in its discussions with the North Melbourne Football Club, in the continued playing of games in this state. Where are the negotiations at? When will the negotiations commence and what is happening in that area?

It is the Government's involvement with North Melbourne, not the TT-Line's involvement with North Melbourne. That is the question I have asked and I have been told on a number of occasions and in writing, that the Government does not manage and is not involved in the negotiations with the North Melbourne Football Club. Well, they are. This is the point I am trying to make. I am trying to find out where they are at and why I was given the answer I was given.

xxx

Madam CHAIR - Reframe your question, a direct question.

Ms HOWLETT - As I have stated, the Premier is waiting for a response from AFL.

Mr Dean - So the Government is involved in negotiations with North Melbourne?

Ms HOWLETT - With the AFL. The Premier is waiting for a response to the letter that he sent the AFL. As far as games being played here next year, that is a matter for TT-Line to negotiate with North Melbourne, and I am sure those negotiations will be occurring soon.

Mr Dean - With respect, you are wasting our time.

Recommitted output 4.7 agreed to.

Schedule 1 agreed to.

Postponed clause 4 agreed to.

Postponed clause 5 agreed to and bill taken through the remainder of the Committee stages.

Bill reported without request and without amendment.

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

APPROPRIATION BILL (No. 2) 2020 (No. 47)

Second reading

[11.58 p.m.]

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

That the bill be now read the second time.

Motion agreed to.

Bill read the second time.

APPROPRIATION BILL (No. 2) 2020 (No. 47)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 postponed.

Clause 5 postponed.

Clause 6 agreed to.

Schedule 1

Division 1

(Speaker of the House of Assembly)

Outputs 1.1, 1.2 and 1.3 agreed to.

Output 2.1 agreed to.

Division agreed to without request.

DIVISION 2

(Attorney-General and Minister for Justice)

Output Group 1

Integrity Commission

1.1 Integrity Commission -

Mr WILLIE - We left this line item open because the answer had not been provided to the committee when we met. Since that time, the minister has provided an answer on Assessment Greystone, which I believe to be related to James Griffin. The answer was that it was referred to the Department of Health in November. Thank you, minister, for providing the answer, albeit a little late.

Output 1.1 agreed to.

Division agreed to without request and without amendment.

DIVISION 3

(President of Legislative Council)

Output Group 1

Legislative Council

1.1 Legislative Council Support Services -

Mr GAFFNEY - Madam Chair, I seek leave to table a summary report associated with this line item.

Leave granted.

Ms RATTRAY - A point of interest, Madam Chair, I have never seen that happen before. I am interested in how that has come about this year.

Madam CHAIR - Maybe I can speak as the Chair of that committee. This is the first occasion we have dealt with a budget under the new Financial Management Act. In this case, the ministers responsible for these outputs in Appropriation Bill (No. 2) were the President of the Legislative Council and, obviously, the Speaker of the House of Assembly. It was not inappropriate to invite them into Estimates, but to ask for a report on the Budget, so our committee could be satisfied things were in order in terms of our Budget. It is a report that will form part of the record in relation to the Budget for the Legislative Council.

Ms RATTRAY - It is a very useful thing to do. I am pleased I asked why it happened when we have not seen it before. Thank you.

Output 1.1 agreed to.

Division agreed to without request and without amendment.

Divisions 4 to 8 agreed to without request and without amendment.

Schedule agreed to without request and without amendment

Postposed clauses 4 and 5 agreed to.

Title agreed to.

Bill reported without request and without amendment,

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

**PAYROLL TAX REBATE (APPRENTICES, TRAINEES AND YOUTH
EMPLOYEES) AMENDMENT BILL 2020 (No. 48)**

Second Reading

[12.05 p.m.]

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

That the bill be now read the second time.

The COVID-19 pandemic has had a very real and significant economic impact on businesses, jobs, families and the Tasmanian community. In response to this, the Tasmanian Government has taken unprecedented steps to support the state's recovery, including social and economic support packages totalling around \$1 billion.

To ensure the Tasmanian community is well placed to meet the challenges presented by COVID-19 and the opportunities ahead, the Premier's Economic and Social Recovery Advisory Council was established to provide advice to the Government on strategies and initiatives to support the state's medium- and longer term recovery from COVID-19.

On 20 July 2020, the council delivered its interim report to the Government. The report identified 64 key recommendations to assist Tasmania's economic and social recovery.

All recommendations have been accepted by the Government.

Recommendation 45 of the council's report stated -

The State Government should extend the payroll tax rebate schemes for youth employees, and for apprentices and trainees.

The interim report goes on to say the youth employment incentive should be extended for at least 12 to 18 months to provide enhanced medium-term certainty to employers taking on new young workers. The report also provides that the apprentice and trainee payroll tax incentive should be extended to all sectors and extended in duration for an extra 12 to 18 months to provide an incentive for business to take on young employees.

This bill amends the Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Act 2017 to implement the council's recommendation.

To support local businesses that invest in an apprentice or trainee, the Government will extend the successful payroll tax rebate scheme for apprentices and trainees by 12 months, from 30 June 2021 to 30 June 2022.

Importantly, the extended scheme for apprentices and trainees will also be expanded to include all Tasmanian industries from 1 January 2021 to 30 June 2022. The Government recognises the valuable investment business makes in training the next generation of Tasmanians and we want to make sure businesses are confident and prepared to take on more apprentices and trainees.

In April this year, the Government reintroduced a one-year payroll tax rebate for new youth employees as part of stage one of the Government's Social and Economic Support Package in response to the COVID-19 pandemic. To further encourage businesses to employ more young people, this bill also extends the payroll tax rebate for youth employees by 18 months, from 31 December 2020 to 30 June 2022.

In addition to the payroll tax rebates, this Government will also be extending the Targeted Apprentice and Trainee Grant for Small Business to any small business that employs an apprentice or trainee until 30 June 2022. We expect that initiative will support around 2000 new full-time apprentices and trainees.

Together, we expect the Apprentice and Trainee Grant for Small Business and the payroll tax rebates to support the employment of a further 4000 apprentices, trainees and youth employees.

The extended and expanded rebate will incentivise new employment opportunities for apprentices, trainees and youth employees in Tasmania, and is expected to cost the Government around \$11.3 million.

This Government recognises a skilled and productive workforce is vital to our economy as we recover from the impacts of COVID-19 and that a rewarding career is beneficial to the wellbeing of individuals and communities. The changes to the payroll tax rebate scheme will contribute to a more productive workforce, now and in the future to the benefit of both young people and businesses.

Madam Speaker, I commend this bill to the House.

[12.13 p.m.]

Ms RATTRAY (McIntyre) - Mr President, in respect of this amendment bill, the Premier's Economic and Social Recovery Advisory Council provided a report that has led to the Government, as the Leader said, committing to implement all recommendations and this is one of them. You certainly would not argue an incentive to employ young people is not a valuable thing to do for the recovering economy of our state.

I have a couple of questions with regard to the definition of a youth. Now, there are regularly mature age apprentices - somebody who decides to have a change in their employment and goes back and becomes a mature age apprentice. Is that covered under this or is it specifically for trainees, youth employees and apprentices up to a certain age? It probably is in the original bill, but I have not sourced that and it certainly does not state that in the amendment bill so I would be interested in that.

Tax is not my expertise, Mr President, but when we asked this morning about eligible businesses and the definition of a small business, we were told that for payroll tax, it is a taxable amount of \$1.25 million per annum in wages. I do not necessarily think that is a small business,. The Leader may have a number of figures or some figures for how many businesses

meet that criteria. In my view, it is a fairly high threshold but, as I said, there may be some very concrete numbers behind that.

When you go to the expectation that this initiative will deliver 2000 new full-time apprentices and trainees - and I know the member for Nelson and, I think, possibly, the member for Murchison both touched on this in the briefing - who is going to measure that? That is, that the initiative will support - it says 'will support' - these 2000 new full-time apprentices and trainees. We need to have some idea of whether 2000 is a realistic expectation. No-one in this will think that is not a good thing, but how are we going to know whether that has actually been achieved?

The fact that it is expected to cost \$11.3 million - or the Government is expecting that it will cost \$11.3 million - somebody has crunched some numbers somewhere and possibly those people are sitting right behind the Leader. I feel sure those figures are available. It was also pleasing to hear there was a nine-month period. I thought the member for Windermere asked a very good question about up to when you can make an application to receive that rebate. That is important because, as I said in the briefing, small business are often head down, flat out working, and they do not always have someone doing their bookwork - perhaps on a weekly basis. Small businesses have compliance requirements, but I am interested in some of those numbers. I am pleased with the nine-month period to make application.

I also asked a question - and the Leader indicated she would provide an answer on *Hansard* - about how this information is delivered to employers. That is the important part. We were told that you go onto the State Revenue Office website and there will be a link somewhere. That is not always the easiest thing for some people to do because some people fall into running a small business, as I mentioned this morning. You start off and you are very small and then, fortunately, your business grows and it can be that it may well fit into the \$1.25 million bracket and be eligible. It is getting that message, that information, out into the community.

It talked about payroll tax returns and logging in and a package where it talks about subscription services. It is important to put that into the public arena. How is that going to happen? How will employers be able to access that information and access the rebate funds that they are entitled to when we are looking to support this initiative? The number of 2000 new full-time apprentices and trainees is impressive and I would like to see that happen. I am interested in how we are going to measure that, as were the members for Nelson and Murchison and, possibly, every other member in this place.

I support the intent of the bill.

[12.19 p.m.]

Mr WILLIE (Elwick) - Mr President, it would be remiss of me not to speak on this bill. I have talked a lot about youth unemployment before the pandemic, in this place, and publicly. It is a wicked problem that has challenged many governments of all persuasions. We know in an economic downturn young people are disproportionately impacted. Unfortunately, we are facing a pandemic that none of us ever has faced before. Young people are going to struggle to find employment prospects. I feel so sorry for this generation and what they are facing, and how they see their futures. Not only do we have a pandemic, there are also insecure housing, unaffordable housing and insecure work. You talk to young people, like I do, and they are

worried about climate change. There are mental health issues. Anything we can do to support them is a good thing.

However, this bill, like a lot of the state government and federal government budgets, relies on confidence - the confidence to employ and the incentive to do that. If confidence takes a hit, these measures will be less effective; that is for sure.

The Government has talked about this measure that will employ 2000 young people, which is a good thing if that happens. Surely the Government has some modelling if there were no intervention? How many apprentices are going to be employed without this sort of intervention? We have been here before. There was a time in the past where this was in place. I am interested in that time: how many apprentices and young people were employed through that period?

From my perspective, talking to employers too, this is a good thing. Is it enough for them to make the decision? A lot of them are probably in this space thinking about taking on an apprentice anyway, and it is just a good bit of support along the way. Is it enough to make a business think, 'We are going to put on an apprentice because of this'? I am not so sure. If they are on the margin, perhaps it is enough, but is it a significant enough amount to really change a business's direction around its employment trajectory? I am not so sure. I am interested in those projections of the Government, if it has them, without the intervention and the last period.

[12.22 p.m.]

Ms FORREST (Murchison) - Mr President, I have some broad statements to start with - 2020, what a year. At the beginning of 2020, I do not think many of us had even heard of COVID-19. Here we are, getting toward the end of it.

I saw a meme the other day that was quite amusing. It said, when we get to 2021 - when this bill takes effect and is passed - we are to go in quietly and not touch anything. First off, we are too loud and welcoming of the year. We do not really know what 2021 will bring, but we hope it is better than 2020, particularly for many of our young people and those who have been disproportionately impacted negatively by the COVID-19 outbreak.

Like the member for Elwick, I feel very much for the young people of this generation who have had their education interrupted significantly. I know the Government has done a great job in trying to maintain the connections with those young people, but there are young people out there who will suffer greatly as a result of the restrictions we needed to impose to control a virus that sought to overcome us.

Ms Rattray - We heard the story from the member for Rumney yesterday about a young person - that was a really compelling story, wasn't it?

Ms FORREST - There is no-one who has not been impacted by COVID-19. I commend the Government for setting up the Premier's Economic and Social Recovery Advisory Council to look at these matters and to come out with the interim report in fairly prompt time. This bill is to give effect to just one of the recommendations in that report. In addition to the recommendations made by PESRAC and other measures the Government has taken aside from that, they have been targeted at individuals, groups and sectors that have been most heavily impacted. We know who they are.

We do know that young people have been significantly impacted and their job prospects have been negatively impacted by this, and women as well. Women who tend to be in lower paid employment, in less secure employment and often working in those industries that may have kept working but their security has not been great and their rates of pay are often much lower and that gender pay gap becomes a massive issue there.

We know about the mental health impact that COVID-19 has had, as the member for Rumney spoke about yesterday. There are thousands of stories like that, which are really sad to contemplate and we need to invest so much more in mental health in this state and in this country. It is a federal government responsibility as well as a state Government responsibility, particularly the preventative health space there.

One of the most important things we can do for young people is to give them a job. Employment makes such a difference. Whether it is through the pathway of higher education and through University and into a job that way or whether it is through apprenticeships or other traineeships. It does not really matter, but having a young person employed is what does matter. It makes a huge difference to their self-esteem, to their mental health and wellbeing and also, in regard to inclusiveness in our society, we can lift people out of poverty and out of disadvantage by ensuring they have a reliable, secure and well-paid job.

The whole issue around casual workers which we have seen unfold and have had the spotlight shone on it like nothing else, COVID-19 has done that. We have seen the problems that creates. That is obviously a federal government matter to deal with some of those things and I am not sure if some of the measures they are taking are the right ones, but that is not for us to worry about, it is for the federal members to address.

This measure we are dealing with, is only one recommendation of PESRAC. It is one action being taken by government to try and support young people particularly, not only young people but many people in our community who may be working at the moment but in low-paid jobs who wish to undertake further training and apprenticeships.

The member for McIntyre talked about young people. In the second reading speech, it says this will be extended to all apprentices, not only young people, which is really important because we have had a lot of people who have lost jobs in a whole range of other sectors who are mature age and who may wish to retrain, either through a traineeship or an apprenticeship. The employers who take them on should not be disadvantaged either. That is appropriate and important.

We do find almost every year, around the Budget time which is normally earlier in the year, that we see a tinkering around the edges with payroll tax, usually payroll tax. The reality that it kicks in at \$1.25 million per annum in wages is a point you could debate. You could debate that is how narrow the base is, so it is the big employers who pay it, not the small employers.

We need to have a much broader discussion. This, to me, is another emergency measure to try and deal with the impacts of COVID-19 on our businesses and employers but we do need to have a much broader discussion about this. Is payroll tax a tax we should have at all? Is it right in its current frame? Well, no I can answer that straight off the bat.

When it was first introduced, it was a broad base, low rate tax. We need to have a proper conversation about this. I have had some discussions with the Premier and Treasurer on this

and we will continue to talk about it but we do need to have a broader conversation around whether we should even have this tax and if we continue to have it, what it should look like. It is disproportionate to the big employers. It is a disincentive for bigger employers, not small employers.

Disappointingly, we do not seem to be wanting to have that discussion and a lot of that resolves around the fact that the Commonwealth will not come to the party to have this discussion, to discuss transition arrangements, should we have a change, but then you look at New South Wales and they have had a bit of a crack at stamp duty and their land tax. Maybe it will start by default in some places. Those comments made, I did mention in the briefing that I will be interested to know whose responsibility it is to actually monitor the creation of new apprentice positions, who is going to record that data, and how will we, as members of parliament, be able to track that. One would hope it would be published regularly.

I am interested in which department's job it is. I do not imagine it is the State Revenue Office's department even though they are the ones that are here to support you but it is more perhaps the minister for Education, Employment, whoever, but I am interested to know who that will be or what department and area that will be.

Mrs Hiscutt interjected.

Ms FORREST - Yes. There are claims made that you expect - I know you cannot guarantee, nothing is guaranteeable in this but -

Mrs Hiscutt - No, this is the 2000 and 4000.

Ms FORREST - Well, both. There is the 2000 expected new positions - I will read what you have said in your second reading -

And we expect the initiative will support around 2000 new full-time apprentices and trainees.

How is that going to be monitored and tracked as to how many there actually are? You go on to say -

Together we expect the Apprentice and Trainee Grant for Small Business -

Which is a separate program.

and the payroll tax rebates to support the employment of a further 4000 apprentices, trainees and youth employees.

We are talking about two different programs for the 4000; 2000 for new apprentices and trainees. I am interested in where those - it is all in good faith, these bold claims and expectations and the member for Elwick talked about modelling that has been done about what could occur to the unemployment rate, particularly, if you do not do anything in this space. I am interested in where can I go to find the information in 12 months time - so I can ask it in Budget Estimates perhaps - that tracks how many new apprentice positions there have been and new trainee positions.

I would also be really interested to know what areas are specifically - if they are - being targeted in this because it is not just construction apprenticeships we need here. We know we are going to need more apprentices in that space because of the commitment to building social housing, encouraging that through the home builder grant - I cannot think of the title for that - but also the focus on construction, infrastructure, investment in roads and bridges and stuff like that. We are going to need more workers in those spaces but we also need more workers in the caring industries - in health, in aged care, in all those other areas - and we are talking about traineeships, we are talking about potentially apprentices in these spaces, in the caring industries and sectors as well.

Hopefully, our hospitality sector will reinvigorate if we manage to keep doing the right thing. I am interested in how broad that focus is. When we think about apprentices we tend to think about the traditional trades. We should not be narrow in our thinking on this. We need to be much broader than this. There are a few questions there I would like the Leader to address. I do note that the costing has been done and I think the costing that is referred to here - the \$11.3 million - is effectively revenue foregone.

It is not a cost - well, it is, to the bottom line, but it is revenue foregone that just relates to the payroll tax measures, not the other measures like the apprentice and trainee grant program. It is a revenue forgone thing so I assume it is just the payroll tax. Whilst that is a -

Mrs Hiscutt - What the member is saying is correct.

Ms FORREST - Okay. It is not an insignificant amount of money - \$11.3 million that the government is not getting in, effectively. One would hope that we will have up to 4000 new people in - or people in employment that perhaps are not at the moment. Some will be people leaving school, though, entering apprenticeships and traineeships, but those people with an income and reliable, steady, secure job will hopefully be out in the community spending money and contributing that way.

While the government does not get it directly, it gets it back a bit through the GST if the pool increases. We know that the pool of the GST was severely impacted by COVID-19 as well. It will be a little while before we are back to where we were.

I do not have an issue with supporting the bill as such, but I do look forward to the time when we can have a proper conversation about payroll tax generally and the whole tax system of our state tax regime.

[12.35 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - I thank members for their contributions. I do have some answers here that I will work my way through, starting with the member for McIntyre. You talked about communication to businesses and how that will be relayed. The payroll tax rebate scheme is well known to Tasmanian businesses, having been in operation for the last three years, since 2017. Over that time over 250 Tasmanian businesses with wages over \$1.25 million have registered for the scheme and claimed rebates for new apprentices, trainees and youth employees. Information on the payroll tax rebate scheme is accessible for businesses through the State Revenue Office. The proposed external communications is as follows -

A. Updates to the relevant SRO guidelines.

- B. Updates posted to the payroll tax rebate scheme page on the SRO website.
- C. Email from the Deputy Commissioner of State Revenue to payroll taxpayers registered for Tasmanian Revenue Online.
- D. Messages posted to the Tasmanian Revenue Online bulletin board for payroll tax registrants.
- E. Information circulated through the SRO email subscription. That is for subscribers to the Tasmanian announcements on payroll tax.
- F. Emails from the Deputy Commissioner of State Revenue to update the following peak bodies. That includes the Tasmanian Chamber of Commerce and Industry, the Tasmanian Small Business Council, the Master Builders Association, Skills Tasmania, that is for circulation to group training organisations, and dedicated apprentice trainee providers such as MEGT and MAS National.

The Skills Tasmania website also includes information on the rebate scheme. It also provides all the relevant information on the State Growth-administered Apprentice and Trainee Grant for Small Business program, which supports small businesses who employ apprentices and trainees. Just a little more on that, the Tasmanian Government is committed to ensuring that all Tasmanians can benefit from our growing economy by investing in real skills for real jobs where they are needed. In addition to the changes to the payroll tax rebate scheme, the Government will be extending its commitment to support more apprenticeships and trainees in small businesses by extending the Apprentice and Trainee Grant for Small Business program until June 2020 with eligibility expanded to all industries from 1 January 2021.

This expanded program will support small businesses who employ apprentices and trainees in the area of the economy, building on the success of the targeted program. The pilot program which concluded on 22 May 2018 was very successful and has supported over 1300 new apprenticeships and trainees within Tasmanian small businesses. The targeted program which has been in place since 23 May 2018 has supported 1936 apprentice and trainee commencements with 1057 Tasmanian small businesses.

Information for both the rebate scheme and small business grant program can be found at the Business Tasmania website, as well as the federal government's business support website, which is business.gov.au.

The member for McIntyre also asked about what defines a youth employee, and can mature age people be eligible? A youth employee is someone above the age of 15, but less than 25 years old. There is no age limit for trainees or apprentices.

Ms Rattray - The honourable member for Murchison gave me that information, thank you.

Mrs HISCUTT - Are you thinking of taking up one? I think this was an answer for the question asked by the member for Elwick, but it might also have been McIntyre. What has been the uptake under the current scheme?

In 2018-19, there were 193 employers who claimed rebates totalling \$6.7 million. In 2019-20, there were 206 employers who claimed rebates totalling \$5.6 million. The 2019-20 figures, down around 16.4 per cent on the 2018-19, include the impact of the COVID-19 payroll tax waivers, which resulted in less rebates claimed because employers' payroll tax liability had been waived.

As at 30 September 2020, 209 employers are claiming under the scheme. In 2020-21, this includes 1353 apprentices and trainees and 52 youth employees and employers have claimed rebates totalling around \$656 000 for the 2020-21 year to September 2020. These figures do not capture employers who lodge annually which will be submitted in July 2020-21 for the 2020-21 financial year, so over 254 businesses have registered for the scheme to date.

A question for the member for McIntyre and a few others also talked about this one. The estimated cost of extending and expanding the rebate is \$11.3 million across the forward Estimates. The amount of the rebate will vary, based on the award wage plus on-costs for each employee and the amount of taxable wages of their employer as the payroll tax rebate is 4 per cent from \$1.25 to \$2 million and above 6.1 per cent for above \$2 million.

Award wages vary considerably by trade between youth and adult employees and based on whether they are first or second year apprentices and trainees. Based on past trends, it is conservatively estimated that at least 2000 additional apprentices, trainees and youth employees will be engaged and the forward Estimates will provide funding for at least that number.

Question by the member for Murchison. As at 30 September this year, there have been 1405 apprentices and trainees and youth employees employed by employers claiming rebates totalling \$656 000 over three months to that date.

The member for Elwick asked: how many apprentices are going to be employed without intervention? The rebate scheme is designed to encourage Tasmanian employers to hire additional apprentices, trainees and young people. However, it is difficult to determine how many apprentices would be employed without the support from government as this depends on general market conditions and business confidence.

The scheme provides tangible support to Tasmanian employers when considering the hiring of new apprentices, trainees and young people.

Mr Willie - There is no base to measure it off, is there?

Mrs HISCUTT - I did give a few figures here. The member for Murchison asked what areas or industries are being targeted? The rebate is being opened up to apprentices, trainees and youth employees in every industry area.

The last question from the member for Murchison. Recording the impact of the scheme and small business apprentice and target trainee grant program. In administering the payroll tax rebate scheme, the SRO needs the number of -

1. Employers claiming rebates.
2. The value of rebates claimed.

3. The number of apprentices, trainees and youth employees supported.

The small business apprentice and trainee grants will be recorded by the grant program, which is administered through Skills Tasmania. This information can be used to provide the numbers of employees supported under the program. Thank you, Mr President.

Bill read the second time.

**PAYROLL TAX REBATE (APPRENTICES, TRAINEES AND YOUTH
EMPLOYEES) AMENDMENT BILL 2020 (No. 48)**

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 3 amended (Interpretation)

Ms RATTRAY - Thank you, honourable Leader, for reading out that extensive list of actions that are going to be taken to inform employers how they go about redeeming this initiative. I did note that this starts on 31 December. Is this from 31 December, or is it 30 June?

Madam CHAIR - New Year's Day 2021.

Ms RATTRAY - Obviously that is three/four weeks away, it is not long. There was quite an extensive list of engagement that was going to take place. I am interested in whether that intends to be done prior to the commencement date, or is that something that will just naturally happen into the New Year? I am really just looking for a time frame around when the contact is going to be made. We do know that it appears often that January is not very productive in Tasmania. I am not sure whether that is the case for other states. In some industries they are busy, but others have a complete shutdown. If you try and get any services, particularly until about the third week in January, no hope. I am interested in how and what is the time frame around that really valuable information for employers going to be provided out into the arena.

Mrs HISCUTT - The commencement date, of course, is mooted to be 1 January 2021.

Ms Rattray - Again the member for Murchison gave me that information.

Mrs HISCUTT - The bill, when passed today, will head off for royal assent. When royal assent has occurred and everything is ready to go, the SRO is ready to go.

Ms Rattray - They have done all their preliminary work.

Mrs HISCUTT - The work has been done. They will be ready to go. As I said before, I gave you A, B, C, D, E, F, chambers of commerce, online information that is set there. Upon royal assent it will be ready to go.

Ms Rattray - That is what I wanted to hear, thank you.

Mr DEAN - My question is, have there been any improper issues to come up during this process so far, with improper claims being made and actions being taken?

My other question is, what is the position here where an apprentice does not continue on with their apprenticeship and they leave part way through, have a break, or what have you? I take it the onus is on the employer then, to identify with that, to cease payments or rebate. How is that managed and handled?

Mrs HISCUTT - Madam Chair, we are going through the original bill to find the answers. We have searched through the principal act which covers a lot of that related information but it seems that while you remain eligible you can claim, but if your employer has gone from that date on, you cannot, of course. The first part of your question was compliance.

Mr Dean - That was in relation to if an apprentice moves on.

Mrs HISCUTT - Yes.

Mr Dean - What was the question?

Mrs HISCUTT - The employer can claim for the time that the employee, trainee, the apprentice is there and then after that, of course, you cannot claim anymore and the employer would have to talk to SRO to define that - dates, times announced, that sort of stuff. With regard to improper claims, the SRO do - compliance work is conducted to make sure that everything is in order.

Mr Dean - And has everything been in order?

Mrs HISCUTT - Have we discovered them? No, not to the best of the knowledge of the advisers I have because the compliance work is done and it is usually pretty good.

Mr Dean - Right.

Mr VALENTINE - I am not totally across the landscape of traineeships and apprenticeships but I am wondering if an employer is accessing some industry program where those employees are being funded through some other program, are they still eligible to get payroll relief? It might be that they are paying the apprentice or the trainee but they are actually being reimbursed from some other sector. If that is the case, they should probably not be eligible but I am wanting clarification on that.

Mrs HISCUTT - If it is deemed as a taxable payroll deduction of taxable wages that they are getting, can they still apply for the grant? Yes, they can. Is that what you were looking for?

Mr VALENTINE - I guess it is interesting if they are not actually incurring expense because they are being reimbursed from some other direction - and I cannot name up a program because I do not know the space well enough, as I said, when I rose to my feet - but it just seems if they are being reimbursed for the wages of that particular trainee or apprentice through

some other industry program that, indeed, they may not or should not be applying for this rebate.

Mr Dean - It would be double dipping, wouldn't it?

Mr VALENTINE - That is why I am asking the question. It has got to be \$1.3 million payroll turnover but part of that \$1.3 million may indeed be coming from another sector and not being an impost on the employer. I am interested to know how that pans out.

Mrs HISCUTT - It depends on whether they are paying payroll tax on that money that they are getting. Is it double dipping? Well, it would depend on the terms and conditions of the grant that is being given to them.

Mr VALENTINE - Something to consider.

Mrs HISCUTT - Yes.

Clause 4 agreed to.

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

SUSPENSION OF SITTING

[2.32 p.m.]

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

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

Motion agreed to.

Sitting suspended from 2.32 p.m. to 2.47 p.m.

QUESTIONS

Royal Hobart Hospital Redevelopment - Outstanding Performance Issues

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

[2.47 p.m.]

The question has been partly answered. Therefore, I will quote only the part not answered.

With respect to the nearly \$700 million redevelopment of the Royal Hobart Hospital, can the Leader please provide definitive information as to any outstanding performance issues, including, but not limited to, the water supply, including any levels of contamination, either heavy metals or otherwise; the number of water tests undertaken since handover; and a summary of results recorded.

ANSWER

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

For a construction project the scale and complexity of the Royal Hobart Hospital Redevelopment, there will always be defects identified once the client takes possession of the new facility at practical completion. In many instances, these defects include scuff marks, painting touch-ups or even the correct installation of minor wall mountings. A defect liability period extends for up to 12 months from practical completion, during which time defects are identified and the construction contractor takes responsibility for their rectification. The defects liability period for the K-Block construction extends until 17 March 2021.

Since taking possession, the Royal Hobart Hospital Redevelopment project team and the RHH facilities and building services team have been working with the John Holland/Fairbrother Joint Venture to identify and address construction defects in K-Block. Within the first three months post practical completion, a total of 76 defects were identified within the project management system. Of course, of those, the joint venture has advised that 70 have been rectified, are ready to be inspected and are accepted as closed.

Broadly, these fall into the following categories - water leaks, door furnishings, vents, blinds, windowsills, and other minor issues. There are currently six outstanding defects relating to water leaks, a false alarm, vinyl stains and an orderly call-point. These will remain open until such time that the issues identified have been eliminated or agreement reached about who is responsible for rectifying them.

Water quality testing prior to occupation of K-Block identified a number of taps with noncompliant results. Water quality experts were engaged to develop a regime of pipe flushing and water testing. There are more than 1000 water outlets in K-Block and of these, approximately 800 are now compliant with the Australian Drinking Water Guidelines.

All taps used for regular drinking or food preparation - for example, in tearooms, dining rooms, staffrooms et cetera - were individually tested and found to comply with Australian Drinking Water Guidelines before patients and staff moved into K-Block. Gooseneck taps at sanitary handwashing stations were signed 'Do not drink' if they returned levels of lead or nickel that exceeded Australian Drinking Water Guidelines.

In accordance with advice received from Public Health, when taps previously designated 'Do not drink' return Australian Drinking Water Guidelines compliance samples on two consecutive tests, the 'Do not drink' signage is then removed.

Since the handover of K-Block, monthly testing has continued across K-Block. The monthly testing involves testing a minimum of 40 samples from at least 20 fixtures across K-Block, targeting taps previously identified as returning noncompliant results. In addition to the monthly testing, in July 2020 alone approximately 1100 water sampling tests were conducted. Water sampling will continue until April 2021 after which time any further action required will be considered at that point.

Education - Year One Phonics Check

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

[2.51 p.m.]

This year the state Government trialled the Year One Phonics Check in 30 Tasmanian government schools.

- (1) Which schools participated in the trial?
- (2) What percentage of year 1 students met or exceeded the expected achievement level?
- (3) Is the Department of Education collecting data for specific cohorts of students, and, if so, could that information be provided?
- (4) What support is being provided to schools to expand the trial in 2021?

ANSWER

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

- (1) Schools that participated in the phonics check pilot were Bothwell District High School, Bowen Road Primary School, Clarendon Vale Primary School, Cressy District High School, Devonport Primary School, East Devonport Primary School, Geeveston Primary School, Glen Dhu Primary School, Glenorchy Primary School, Hagley Farm Primary School, Howrah Primary School, Invermay Primary School, Montagu Bay Primary School, Mountain Heights School, Orford Primary School, Perth Primary School, Ringarooma Primary School, Risdon Vale Primary School, Sandy Bay Infant School, South George Town Primary School, St Leonards Primary School, St Marys District School, Swansea Primary School, Trevallyn Primary School, JRLF/East Derwent Primary School, Lauderdale Primary School, Lilydale District School, Longford Primary School, Waverley Primary School, West Launceston Primary School and Westerway Primary School.

- (2) It is important to understand the phonics check is just that - a check, not a test. There is no expected achievement level. The purpose of the check is explained on the literacyhub.edu.au website, which states -

The Phonics Check will provide teachers with an indication of how each student is progressing in relation to what is expected of students at Year 1. It is important to understand that the score out of 40 does not mean a pass or fail. The Phonics Check is used to gauge the progress of phonics learning and to help teachers make decisions to support developing and struggling decoders.

- (3) The phonics check is a teaching tool to inform classroom teachers about a child's progress in this area and is not intended as a benchmark test. Therefore, data from the check will be collected and utilised at a school level only.

- (4) In 2021, Tasmanian government schools will be strongly encouraged to use the Year One Phonics Check with their students. Teachers will be able to access professional learning in how to administer the check and understand the information obtained. Teachers will be supported through professional learning and resources to build their knowledge and understanding of phonics teaching as part of reading and writing.

Extensive administrative supports are provided at the literacyhub.edu.au website, such as user manuals for teachers and school administrators.

AFL Tasmania - State Funding

Mr DEAN to MINISTER for SPORT and RECREATION, Ms HOWLETT

[2.55 p.m.]

My questions relate to the \$500 000 state funding provided to AFL Tasmania and for the benefit of grassroots AFL football. The questions arise from a report on the subject as provided to me by the minister on 1 December 2020. I thank the minister for that report. In that letter you advise -

I have asked Communities, Sport and Recreation to ensure its negotiations with AFL Tasmania on the Funding Agreement include more prescriptive and measurable Key Performance Indicators to provide greater clarity and accountability.

In 2018, a similar undertaking was given by the previous minister - that document can be provided if necessary - but those changes were not made.

Will the minister please advise -

- (1) When will the key performance indicators be updated to provide more prescriptive and measurable KPIs?
- (2) Will the changes to the KPIs be shared with the Launceston committee before sign-off?
- (3) Is the statewide football competition now considered part of the grassroots community football program, as inferred from the existing KPIs, and accordingly will it be a beneficiary of the \$500 000 annual government funding?
- (4) What is the process undertaken throughout the period that ensures the funds are allocated as stated?

ANSWER

I thank the member for Windermere for his question and for his ongoing passion and advocacy on behalf of his community and grassroots football in Tasmania.

The Tasmanian Government has been a strong supporter of Australian Rules football at all levels for many years, and supports the game from grassroots through to the elite level. We

know that football in Tasmania continues to be strong in terms of participation numbers, with 13 leagues, three umpiring associations, 129 clubs, 58 Auskick centres, and more than 16 000 participants. I am looking forward to seeing who from Tasmania might be drafted in the NAB AFL draft later this evening.

The Division of Sport and Recreation will negotiate new key performance indicators for the new funding agreement with AFL Tasmania in early January 2021. As previously advised, the new KPIs will be more prescriptive and measurable. I am confident that AFL Tasmania has the best interests of the game at heart, and will focus on and support grassroots football, as it is the lifeblood of the sport.

The member and the northern group of interested people are certainly welcome to discuss the KPIs with the head of AFL Tasmania, Damian Gill. Sport and Recreation does not share draft KPIs with the public prior to finalisation. It is up to the grant recipients to determine how widely the KPIs are shared.

The Tasmanian Government funding commitment of \$500 000 per year is not used to fund the Tasmanian State League. The AFL provides funding to AFL Tasmania for the Tasmanian State League and members club. As previously advised, the Tasmanian Government grant funding is tied to the achievement of KPIs. The funding to state sporting organisations administered by Communities, Sport and Recreation is allocated on the same basis, that it is tied to the achievement of KPIs.

The discretion about how to deliver the KPIs - for example, whether to use paid resources or volunteers to achieve the KPIs - rests with the grant recipients. I note that the AFL provides significantly more funding annually than the Tasmanian Government grant amount to support the staffing and operations of the sport in Tasmania.

Netball Tasmania - Notification - James Griffin

Mr WILLIE to MINISTER for SPORT and RECREATION/RACING, Ms HOWLETT

[3.00 p.m.]

Minister, on 5 December you issued a press release stating the Northern Tasmanian Netball Association was informed in 2019 that Jim Griffin's Working with Vulnerable People card had been removed.

- (1) Who was contacted at the NTNA? Was it a formal contact through the chair of the organisation? In a leaked email sent on 28 November this year, the head of Netball Tasmania said that Netball Tasmania only became aware of the claims and charges laid against Mr Griffin, which are serious and disturbing, through a 'podcast in 'early to mid' October' 2020.
- (2) Minister, the NTNA is a volunteer organisation. Can you explain why Netball Tasmania, as the professional body and the organisation responsible for Netball Tasmania, was not informed?

ANSWER

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

As we know, this is a very serious and concerning matter for netballers in northern Tasmania and throughout the state. The press release the member is referring to is from 5 December and states -

Tasmania Police advises that in 2019 while the Tasmanian police investigations were continuing, contact was made with the NTNA regarding bail conditions associated with Mr Griffin.

The NTNA advises that it was informed in 2019 before Mr Griffin's death that his working with vulnerable people card had been removed.

In relation to the Working with Vulnerable People card, I mention Labor's attempts to claim that the Northern Tasmanian Netball Association was left in the dark about Griffin by the Government has been exposed as being dishonest. The Northern Tasmanian Netball Association advises it was informed in 2019, before Mr Griffin's death, that his Working with Vulnerable People card had been removed.

The NTNA acted immediately when it was made aware of this. As you know, I cannot comment on the work Tasmania Police did as it would be very inappropriate to do so. Under our system, the registrar will advise the employer of a registrant's suspension or cancellation of registration to work with vulnerable persons where the employer is known to the registrant and that was done.

Mr Willie - You are not answering my question, minister. My question is: why wasn't Netball Tasmania, as the professional body and organisation responsible for netball in Tasmania informed?

Franklin Velodrome - Government Support

Dr SEIDEL to MINISTER for SPORT and RECREATION/RACING, Ms HOWLETT

[3.03 p.m.]

In October 2013, I spoke in this Chamber about the historic velodrome in Franklin. Has the minister considered supporting the community in my electorate of Huon financially in order to resurface the unique and historic sporting venue?

ANSWER

Mr President, I thank the member for Huon for his question and his interest in this. I also commend the ongoing efforts of the Friends of Franklin Velodrome for its ongoing efforts and advocacy.

The Tasmanian Government continues to support the development of high-quality and well-planned sport and recreation infrastructure to assist Tasmanians to be physically active. In 2019-20, the Government provided a range of grants to support sporting organisations and clubs to provide opportunities for Tasmanians to engage in physical activity.

This includes five sport and recreation competitive and merit-based grants programs that have allocated more than \$8 million to 156 recipients across the state for a wide range of projects. On 11 July 2020, I was pleased to announce the \$10 million Improving the Playing

Field program over two years - so in 2020-21 and 2021-22 - which will provide grants to local councils and sporting organisations to improve playing facilities across Tasmania to build and maintain participation following COVID-19.

Round 1 of the program was held this year and gained a large interest. Round 2 will open in the 2021-22 financial year, and I encourage the Friends of Franklin Velodrome to consider applying for funding towards restoring the velodrome under that round of Improving the Playing Field funding next year.

Sport organisations and local councils are invited to sign up to the Communities, Sport and Recreation Grant alert list by emailing csrgrants@communities.tas.gov.au to be notified when this particular grant program and others are open.

I am also pleased to confirm that since 2014, the Government has provided \$1.257 million to the Huon Valley region for Sport and Recreation infrastructure projects and programs. In addition, the 2020-21 Budget includes \$250 000 to develop a statewide sport facility strategy to support the Government in making considered and informed decisions about future investment in major stadia infrastructure and multipurpose venues and facilities.

The Division of Sport and Recreation in the Department of Communities Tasmania will work with Events Tasmania in the Department of State Growth, in the development of this strategy. Other potential avenues to access funding to develop the velodrome include the Tasmanian Community Fund, Sports Australia Play for Purpose funding raffle and the Australian Sports Foundation.

Netball Tasmania - Notification - James Griffin

Mr WILLIE to MINISTER for SPORT and RECREATION, Ms HOWLETT

[3.06 p.m.]

In a leaked email sent on 28 November this year, the head of Netball Tasmania said that Netball Tasmania only became aware of the claims and charges laid against Mr Griffin, which are serious and disturbing, through a 'podcast in "early to mid" October' 2020.

Minister, can you explain why Netball Tasmania, as the professional body and the organisation responsible for netball in Tasmania, was not informed?

ANSWER

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

Tasmania Police advises that in 2019, while Tasmania Police investigations were continuing, contact was made with a northern netball team official regarding bail conditions associated with Mr Griffin.

Mr Willie - We are talking about Netball Tasmania, the peak body,.

Ms HOWLETT - I am advised this was after the NTNA had already been informed that Mr Griffin's Working with Vulnerable People registration had been removed. This is a matter between the NTNA and the police.

Mr Willie - My question is not about the NTNA, minister.

Ms HOWLETT - Since I have learned of the matter of Mr Griffin's involvement in Northern Netball Tasmania, I have had multiple contacts with the NTNA and Netball Tasmania.

Mr Willie - I did not ask about the NTNA, minister.

Netball Tasmania - Notification - James Griffin

Mr WILLIE to MINISTER for SPORT and RECREATION, Ms HOWLETT

[3.08 p.m.]

Thank you, Mr President. I will ask the question again. In a leaked email sent on 28 November this year, the head of Netball Tasmania said that Netball Tasmania only became aware of the claims and charges laid against Mr Griffin, which are serious and disturbing, through a 'podcast in "early to mid" October' 2020.

Minister, can you explain why Netball Tasmania as the professional body and the organisation responsible for netball in Tasmania was not informed?

ANSWER

Mr President, in response to the member for Elwick: these are extremely serious allegations. I am not the minister for Police. I can advise that Tasmania Police has advised me that in 2019, while Tasmania Police investigations were continuing, contact was made with a northern netball team official regarding -

Mr Willie - I am not asking about that, minister.

Ms HOWLETT - regarding bail conditions associated with Mr Griffin. This is a matter between the NTNA and the police

Mr Willie - The question is not about the NTNA; it is about Netball Tasmania, minister.

Ms HOWLETT - and I cannot speak on that any further.

COVID-19 - Schools - Access to Cleaning Budget

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

[3.09 p.m.]

Mr President, I will move on because it seems that the minister is not going to answer the question, which was very specific.

My question is to the Leader -

- (1) Have all schools accessed the COVID-19 cleaning budget? If not, why are schools not being directed to implement COVID-19 cleaning instead of individual schools being left to make the decision?
- (2) Is each school's COVID-19 safety plan available for parents to view?
- (3) Has TasTAFE been provided with COVID-19 cleaning resources across all its campuses?

ANSWER

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

- (1) The Tasmanian Government supported schools, students and families through a range of financial measures as we collectively responded to the impacts of COVID-19. In response to the COVID-19 health crisis, all relief, including additional education facility attendants - EFAs - relief, required for cleaning in schools was funded centrally by the department from 1 April 2020.

At the time the Department of Education communicated clearly to schools that cleaning was an important part of the response to managing the COVID-19 risk and the expectation was that it would occur. As additional cleaning due to the COVID-19 was paid essentially by the department, it is the expectation that schools will make use of this funding where needed. This central funding included additional contract cleaning costs where contract cleaning was supported by the school or senior secondary college.

All schools have access to the additional relief cleaning budget through the department's relief system for additional cleaning requirements due to COVID-19. Currently 87 per cent of schools have received central funding for relief of EFA staff. Schools have been advised they will continue to be able to utilise additional cleaning support as required, as per the current arrangements and costing processes for the beginning of term 1, 2021 and the continuation of the arrangement will be reviewed at that time.

As at 30 June 2020, the Tasmanian Government had invested an additional \$2 million in procuring additional school cleaning supplies, PPE and additional cleaners. Schools were able to cost approved cleaning costs directly to the department and have been reimbursed accordingly. Sanitiser and soap were directly provided to schools over the course of a few months based on enrolment.

- (2) All schools are required to have a COVID-19 safety plan. Anyone who wishes to view a school plan may do so.
- (3) Yes, TAFE implemented COVID-19 cleaning processes at the commencement of the pandemic and continues to practise these in accordance with these processes. Additional resources were not required because TasTAFE has sufficient resources to implement its enhanced COVID-19 cleaning processes.

**PAYROLL TAX REBATE (APPRENTICES, TRAINEES AND YOUTH
EMPLOYEES) AMENDMENT BILL 2020 (No. 48)**

In Committee

Resumed from above.

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

Bill reported without amendment; report adopted.

Third reading made an order of the day for tomorrow.

BRICKMAKERS POINT LANDSLIP BILL 2020 (No. 15)

Second Reading

Resumed from 25 March 2020 (page 47).

[3.15 p.m.]

Ms PALMER (Rosevears) - Mr President, on my first day in the office as the newly elected member for Rosevears, I very much appreciated the member for Launceston spending time with me discussing this matter, so I would like to thank her for her briefing.

Following on from that, I have certainly ensured I was across this difficult and very complicated situation, and the bill. I have been in contact with each of the property owners and I have sat with them wherever possible to hear about their situation and listen to their journey over the past four years.

It has been a difficult journey. I have to tell you, Mr President, their honesty and openness with me about their personal finances - and, above all, their personal wellbeing - has been quite humbling and troubling.

I am firmly of the belief that the financial assistance provided by this bill should be available to these families, because there can be no doubt that the circumstances each of these families has found themselves in is nothing short of devastating. Each of the five families has a different point of view on this situation and what they need. Of course they do, because they are in different stages of their lives and they find themselves in different financial situations.

Some live in homes where I have seen, firsthand, doors do not shut, and cracks that just keep appearing. Some have had to move their families out, because it was simply not safe to be there, and they have had to find other accommodation.

As we are all well aware, the bill was adjourned when it was last before this place in March this year. At that time, concerns were raised about the method of calculating the financial assistance provided for in the bill, and whether it was appropriate, given the circumstances.

I understand the Minister for Environment and Parks requested that the Department of Premier and Cabinet conduct a review of the assistance proposed by the bill. This review was

undertaken, and included an analysis of similar compassionate schemes for landslide events, both in Tasmania and in other Australian jurisdictions. The review noted that while other jurisdictions had similar schemes, none related to landslip. Nonetheless, the financial assistance offered was on similar terms to that proposed by this bill.

Without deviating from my second reading contribution, I am advised that the Government has considered the outcome of the review, and I understand the Leader will be introducing amendments to the bill to deal with those concerns later today.

As part of this process, over the last month I have participated in meetings with each of the landowners, with the minister's, Mr Jaensch's, adviser, and the Deputy Secretary of the Department of Premier and Cabinet. All the property owners feel stuck - trapped by their homes and by this situation.

It is important to stress that this legislation is needed to provide these families with another option for them to consider - an option that will assist them in making decisions, an option that will, at the very least, allow them to move forward in one way or another.

Are all five families going to be happy with the amount of financial assistance they might receive? No. Will some of these families accept this compassionate offer? Maybe. Will all five families accept this compassionate offer? I doubt it, but I do not know, because until this bill passes, we cannot give them the dollar figure they need to make the best decision for their families.

Right now, we can only give them a methodology of a calculation.

At each meeting I have attended, each family has asked, 'What is that actual dollar figure?'. Well, we cannot give that to them until this bill - at the will of the House - either goes through or does not.

It is important we provide these families with the option that this bill will provide.

First, the option to ask the minister for an offer. Second, for that offer to be made following the Valuer-General's valuation; and, finally, the option for each families to consider that offer and make some decisions based on their own personal and financial circumstances.

It is important to note this bill is not a one-in, all-in situation. Each family can make their own decision and it will not impact on anyone else. They can do what is right for them and for them alone.

Currently, they cannot make any decision about whether to stay or whether to go. The properties cannot be sold and at least in one case, the property cannot even be lived in, but in all cases, there has been major damage.

I take this opportunity to thank the West Tamar Council and the Tasmanian Government, in particular Mr Jaensch, for taking such decisive action in introducing this bill.

There will be no winners here today. This has been a devastating time, but I truly believe this bill will provide, at the very least, a step forward. It will provide an option that none of these families currently has - an option for consideration. I will support the bill.

Statement by President - Progress of Bill

Mr PRESIDENT - Honourable members, before I call again, I will clarify for members where we are at with this bill. When the Brickmakers Point Landslip Bill was first brought on, on 25 March, the Leader gave the second reading speech, followed by the then member for Rosevears, Mr Finch, who adjourned the debate. No other member has spoken on the bill, but as the new member for Rosevears has now made her contribution, everyone is free to make a contribution on it.

[3.21 p.m.]

Ms LOVELL (Rumney) - Mr President, this bill has put us all in a difficult position, more so by the fact that it has been brought on with very little notice in our last sitting week, where there is a sense of pressure to get this done.

We received the Leader's amendments yesterday, so we have not had time to consult or consider them in any great amount of detail. It is not as if this has come out of nowhere for the Government; as mentioned already today, we adjourned this debate on 25 March, almost nine months ago.

Ms Forrest - I recall that at the time, there was a lot of pressure not to do that.

Ms LOVELL - I was going to say that, because that was our last sitting week in that particular session and, again, the same pressure applied to rush this through -

Ms Forrest - Until the member for Rosevears got thumped at the lectern.

Ms LOVELL - The member for Rosevears, at the time, gave us a very passionate representation of what was happening. At the time, I was heavily relying on his perspective because I am not in contact with those landowners, and we are talking about a small group of people.

I appreciate the new member for Rosevears's contribution and what she has passed on to us about her subsequent conversations with those landowners, and again I am guided by that. As the local member, the member for Rosevears probably understands this better than most of us, certainly myself.

What I recall from that initial debate is that all the landowners wanted was consistency with the Rosetta Landslip Act, which was 75 per cent of valuation, which at the time was essentially a current-day valuation.

We heard in the briefing this morning that typically these matters are dealt with much more quickly, so there does not generally need to be discussion about whether it is a current-day valuation or a past-dated valuation, because it happens in a short period of time.

This one has not been dealt with that way. We are now four years down the track and it is important to recognise that is not any fault of the landowners, but they are the ones dealing with the situation now. That leaves us in the position of trying to find the fairest solution. While I recognise it would be somewhat more complex to value properties based on a series of

assumptions - that is, that a landslip had not occurred, and that we are looking at current-day valuations without a landslip as opposed to a valuation prior to a landslip from four years ago - that would not have been impossible and the nature of this payment would have allowed that flexibility.

I asked this in the briefing this morning and I will ask again now: what modelling has been done on the various scenarios regarding payments that could be paid? I am particularly interested in a comparison of the difference in value between the scenario according to the Leader's amendment and the scenario of a current-day valuation based on similar properties that have not experienced a landslip. Essentially, what would the value of these properties be today, had they not been built on a landslip-prone area, to the best of the Government's knowledge?

As I said in the briefing this morning, while I understand the logic behind the Leader's amendments, I understand that it is 75 per cent of the pre-landslip value of the property in 2016, with the addition of CPI for the years between then and now, essentially to amend interest that could have been earned on that property had it been in the bank, or had it been paid in 2016. That is presuming that those landowners would have taken that money, put it in the bank and left it there for four years. Given that the purpose of these compassionate payments is to provide the landowners with the means to leave their property and relocate to a property of similar value, I believe it is highly unlikely this is what they would have done, had they been paid that money at the time.

Property values in Tasmania have been booming and the Government has always been very quick to celebrate that. In fact, in the *Mercury* of 16 October this year, the Premier, Peter Gutwein, was celebrating the booming property market in response to concerns based about the increase in land tax. Mr Gutwein said -

... the rate of the tax had not increased and rising bills reflected rising property values. 'While I have some sympathy ... it demonstrates the strength of our economy and the strength of our property market,' he said.

'I am hearing sales volumes of property in this state at the moment have held up and values have held up - in fact, values have increased.

'The way that land tax works is that between valuations, the Valuer-General applies an adjustment factor each year so that there is a smoothing of the impact between valuations.

'The increase in land tax demonstrates that property value, land value, has increased accordingly as well ...

That raises the question: are these property owners being significantly short-changed by this current offer? Had they not been unfortunate enough to be in this position, would they have been significantly better off selling their properties in 2020 than they would have been had they sold in 2016 and banked the money for four years, given the booming property market the Premier is so keen to celebrate?

I was very keen to hear what the property owners felt now, almost nine months on from when we last debated this bill in this House. At that time, the former member for Rosevears,

Mr Finch, gave us a very clear idea of their position. I appreciate what we have heard from the member for Rosevears today regarding their current position. I understand that with five very diverse sets of circumstances, it is likely there will be five diverse opinions about what is acceptable. In my view, it should be about what is fairest, given all the circumstances.

Then we add to all of this the question of what happens if this bill is not supported today, or if the Leader's amendment is not supported, or indeed the bill is amended in another way. Clearly, that would result in another lengthy delay at the very least, with no guarantee of anything at the end of it. Given what we have heard about the stress, to put it lightly, that the landowners have already been through, I would be surprised if any of us wanted to contribute further to that.

The difficulty of the position we are in is that we are trying to agree on a framework for this devastating set of circumstances that compensates the landowners for their loss, which has not only been in terms of property value, but mental health and distress, remediation and prevention work and potentially other costs. The Government calls it a compassionate payment and that is the approach I think we are all taking - to approach this with compassion. I feel like we are almost trying to negotiate settlement on behalf of the landowners, but that is, in fact, not our role and I have had to remind myself of that today. That is for the Government to do. That is where the dollar figure will come in, which I understand makes it almost impossible for people to say whether it is acceptable to them or not, until they know that figure and we know what we are talking about.

The Government is asking us to approve a framework to enable them to proceed with the settlement it has or will negotiate with the landowners, not to decide whether the framework is adequate. The framework is the Government's decision, and it is what it is.

The other important point for me is that this does not compel landowners to accept the offer, as the member for Rosevears pointed out. There is still the option for litigation or civil action against the Government if they decide that is a better option for them.

In light of all that, at this point I am inclined to support the bill with the Leader's amendment, so that hopefully there can finally be some resolution for those people who have been affected.

[3.30 p.m.]

Ms ARMITAGE (Launceston) - Mr President, when I read legislation like the Brickmakers Point Landslip Bill, I endeavour to put myself in the shoes of the people who are the innocent victims.

In this bill, the Government is offering to pay to the owners of the five properties 75 per cent of the value of their properties prior to the 2016 landslide occurring. The Government quite rightly accepts that the landslide has taken a substantial toll, both emotionally and financially on these landowners. One house was rendered uninhabitable, while considerable structural damage has occurred in varying degrees to the other four properties.

I ask myself how would I feel, especially when I did everything correctly when purchasing the property. Ask yourselves how you would feel. What would you do in the

circumstances? Would you take three-quarters of the value of your property on 2016 values, or would you believe a fairer compensation should be paid by the Government?

The Government, it would seem, is correctly saying there is no real value in the properties now because the area is a landslip area, and it would appear to me that anyone buying it would have to have rocks in their head. Should the Government offer compensation based on today's value of the land, without any landslide having occurred?

But before answering my questions, consider the fact that property values in the near vicinity have risen by between 50 per cent and 75 per cent in the past four to five years and, therefore, these owners could not buy a similar property to that which they enjoyed prior to 2016.

What do they do? Do they join the long line of renters, or try to buy a vastly inferior property? Not only do they lose significant money on their property, but they have already had to pay stamp duties, and other government duties including department of mines' costs, council fees, solicitors' costs, mortgage and other loan costs, maybe water and power installation costs, rates and taxes, insurances - and it goes on.

This 75 per cent compensation is continuing to be worth less and less to the innocent property owners. I know how I would feel, and I think I know how anyone in this parliament would feel if it was their hard-earned money that has been frittered away before their very own eyes.

What has to be remembered in all of this is that the property owners employed solicitors to purchase the land in question. They signed a contract for sale in good faith. Their solicitors would have carried out requisite searches. These searches would have included a mines department search, and a search with the relevant council to ensure there were no impediments on the property.

These searches came back from government departments and councils. None of them highlighted any environmental instability risks that could affect the property. They had no indication that their nightmare of the last four years was going to strike. On the contrary, the searches indicated there was nothing wrong with the properties. If you look under the TAS Property Search - TPS - 'Mines & Landslip' Geohazard Searches website under the History subheading, it tells you that these searches have been undertaken for over 40 years, since the early 1970s. They were originally to obtain -

... conveyancing search information relating to Mineral Tenements and Landslide Hazard -

and I emphasise 'Landslide Hazard', but are -

... now broadened to include information about a wide range of geohazards.

It says they provide -

... comprehensive, high-quality 'Mines & Landslip' search property information that is frequently sought prior to purchase, during the conveyancing process.

It states that they provide additional information -

such as advisory landslide areas, flooding and coastal erosion hazard areas is also provided, as well as Municipal Planning Scheme overlay areas relating to geohazards.

It also states

At TPS we consider it important that purchasers are fully informed about political geohazards that might affect a property and require further risk assessment.

Then, specifically on landslip hazards, the Government website continues that they are assessed from the following sources -

- detailed Mineral Resources Tasmania mapping
- Department of Premier and Cabinet broad scale, statewide hazard banding
- planning scheme overlays
- specific area hazard mapping from major consultant reports.

It includes individual assessment of geology, slope and drainage features based on information for the property.

It continues -

The TPS search service is unique in that a geologist assesses background information for each property.

An interpretation aided by an exhaustive compilation of geohazard data that TPS has gathered from Government, Council and consultant report sources.

It concludes by stating that it is-

... not just the property itself that is assessed and reported on but also any important features in adjacent areas.

I asked myself: should the Government and/or the council have been aware of the problem which awaited these property owners? They obviously had plenty of information before them.

Having obtained a copy of the Pennington report from one of the home owners - which I believe has also been provided to all members - I note that report investigated the issues surrounding the landslide and the effect on property owners. On speaking with Derek Pennington, he told me the report was federally funded under the national disaster funding, commenced by Colin Mazengarb who put together a group of five, including the West Tamar Council.

The executive summary notes the report was initiated *inter alia* to understand the impact and the causes of the landslide. The report states that the landslide which caused the damage in 2016 was a deactivation event. The likely causes that contributed to its reactivation were -

- The geological unit known as the Launceston Group which can be a weak material that is prone to landslide
- Significant rain in August 2013 and May to June 2016
- Cliff erosion (recession) at the Tamar River edge
- Poor West Tamar Council ... and private road drainage leading to locally elevated ground water
- Removal within the last 10 years of vegetation at #634, #648 and #650 Deviot to enable development.
- Water pipe leaks
 - Watermain leaks due to landslide damaging underground pipes in the road corridor
 - Inadequately maintained onsite sewage / stormwater disposal systems
- Onsite water management
 - Increased water disposal (increased development density and household water usage)
 - Concentrated surface flows associated with development (roofs and hard standings)
- Inadequate water flow management particularly on upslope neighbouring properties
- Changing demographic and wealth leading to more intensive land use.
- Increasing landscaping / landform modification
- Increased home occupancy
- Stabilizing works under Emergency Authority resulting in Driving forces that could have kept the slip moving
 - The construction methodology of the stabilizing works
 - Importation of road materials to repair driveways.
- Poor geotechnical advice.

I read those likely causes out verbatim because you can see that it would appear cases could be made against the council, the Government and all the developers, but certainly not against the poor landowners who have had to live through this nightmare. Cases like this drag on, they are costly and drain the emotions from people like landowners. It is just not fair on them and is not what governments are here for.

To ensure there is fairness to victims such as these landowners, there are options here and obviously ones set in accordance with this bill -

- (1) For the landowners to walk away with 75 per cent of a 2016 valuation. I do not believe this is equitable considering how much money they have already foregone and how much property values in the area have gone up over the last four years.
- (2) Settle on the basis the Government compensate the victims 100 per cent, on 2016 values. Even though again, this is not equitable, it stops ongoing court battle and the extra money would not be a substantial sum to the Government, considering there are only five properties and the valuation date is 2016.
- (3) Settle on the basis that the Government pay the landowners the 2020 valuation without the landslip being taken into account. This is by far the fairest settlement considering all the evidence we have before us. Of course, this is still less than present real estate values
- (4) The Government pays to the landowners the said 75 per cent, but does not require an indemnification for them to proceed to court and if successful take into account the sum already paid by the Government in assessing property damages.

As I said in my opening, please put yourselves in the shoes of the innocent victims here and ask yourselves honestly: what should be the fairest outcome for all parties? It is not 75 per cent of 2016 valuations when the fault does not lie with the landowners, but may well partially or fully lie with the council or the Government, as the evidence suggests.

I have today spoken with Mr Jaensch, and I appreciate that he took the time to call me with regard to the process here, should the bill get through. So, given that it is a government amendment and the lower House does not sit again until mid-March, he has advised me that should the bill proceed through the upper House, processes with interested parties could proceed. That is: calculations of amounts, individual conditions and other requirements would be instigated prior to the bill returning to the lower House. Mr Jaensch took pains to reiterate to me that the Government and council are both of the opinion that there is no obligation to compensate and this offer is purely compassionate. On this matter, we disagree.

Much has been made of the Rosetta landslip and the offer being in keeping with Rosetta. If that is the case, and I bring now the comment from the previous member for Rosevears in his second reading speech. He said -

While the minister's second reading speech goes to some length to emphasise that the bill is consistent with past precedence, in particular with the recompense provided through the Rosetta Landslip Act 1992, what is

proposed in the Brickmakers Point Landslip Bill is, in fact, well short of the offer legislated in response to the landslip at Rosetta.

Under the Rosetta act, government offers to residents were calculated using valuations at the time of offer. In other words, valuations at current market value, and that was without any landslip occurring and they give 75 per cent. But with Brickmakers Point, current market valuations will not be used but valuations from four years ago.

I thank the member for Nelson for also pointing out to me that it also included a one-off payment of stamp duty for a replacement home.

I note the comments by the member for Rumney. It is a difficult one and I did ask the minister, Mr Jaensch, what would happen if we did not pass the bill or if we put an amendment in it: would it come back before them or would it not? It was certainly nothing that he could answer. As he said, this was a decision of Cabinet. I certainly appreciated the fact that he did give me the time to call and discuss it.

I would like to read some of the information from the actual affected landowners from the Pennington report and I seek leave to table this report and have it included in *Hansard*. I do have an electronic copy for *Hansard*.

Leave granted.

Ms ARMITAGE - Thank you, Mr President. I also thank Derek Pennington for giving up his time today to brief us on this very comprehensive report.

As mentioned, the report was federally funded and it starts with -

The presence of landslide in the landscapes of the Tamar valley is not a new phenomenon but goes back millions of years as the valley has been progressively carved out by the Tamar River and its Estuary. This is indeed a natural process that is controlled by the geological materials, groundwater, streams etc.

.../

As densification of developments occurred in the Tamar, landslide activity began to impact on the settlements, exacerbated by a wetter climatic regime in the 1950's to mid-1970s. This reached the attention of the State Government who commissioned the then Department of Mines to undertake an extensive survey of the valley. The outcomes of this work included the production of a 5 class advisory landslide zoning map series and some site-specific studies to better understand the soil mechanics of the landslides.

Mr PRESIDENT - Honourable member, if you wish to table the document, you need to bring it to the table.

Mrs Hiscutt - I am happy to give my copy to the member for Launceston to sign and table.

Ms ARMITAGE - I will give an electronic copy, which I think is easier for *Hansard*.

Ms Forrest - Are we just tabling it or having it incorporated into *Hansard*?

Ms ARMITAGE - Tabled and incorporated in *Hansard*.

Ms Forrest - I would not support that.

Ms ARMITAGE - It would have been very nice for people. You do not consider it is important?

Mr PRESIDENT - People can still get access to it, but it is a very big document to incorporate into *Hansard*.

Ms ARMITAGE - It was difficult to actually get access to it, you might recall.

Ms Rattray - Not now it has been tabled.

Ms ARMITAGE - It was previously -

It is considered that the principal landslide at Brickmakers Point ... is an ancient feature that possibly precedes European settlement.

.../

The Department of Mines landslide zoning, completed in 1974, did not recognise this or a number of adjacent landslide features, a notable exception to an otherwise impressive set of maps for its time that received international recognition. Mineral Resources Tasmania Tamar Valley - Advisory Landslide Zoning Rowella, produced in July 2001, similarly did not recognise this landslide. This is illustrated in Figure 2, which identifies the impacted properties as being in a 'Class II' zone. Zone II is described as 'Generally stable ground on 'soft' rocks, including very gentle slopes'. The footnote describes 'soft' rock as "Tertiary to Recent poorly consolidated sedimentary rocks and deposits". Clearly these properties are not on 'generally stable ground'.

I would like to read a couple of letters from some of the affected landowners. I think it is really important to have some comments from them, as to how this has affected them. This is in the report.

If I go to Nick Daking: Nick's house was removed. He bought a home, did a lot of work to it, had his family there. His wife was pregnant. Not long after she had her new baby, their house started to fall to pieces and they had to move out, which was devastating for them. He says -

We purchased the property 12th September 2014 through Roberts Real estate in Launceston for \$365,000. At the time of purchase there was no mention of the Deviot being a landslide area and specifically our block. There was also no indication from council when asked directly if there were any issues

with the property or potential planning restrictions as we intended to renovate the property in the future.

We had moved from Launceston to live on a large waterfront block and at the time we had two boys aged 4 and 2 and were part owners in hospitality businesses located nearby. On June 21st 2016 our daughter was born and soon after we first noticed some cracks appearing in the bedrooms where the wall meets the ceiling, this along with the downstairs doors becoming hard to open and close.

This document is filled with detailed photographs of our property and house to show you the extent of the damage and just how quickly it occurred.

Prior to losing our home we had spent \$9,400 with our architect with plans to completely renovate, which we planned to start in 2018, photos attached.

When the movement first occurred we engaged a builder to assist in helping rectify and prevent more damage by stabilizing the house, we also upgraded the existing drains to assist with ground water. At this time no one seemed to know what we were dealing with and the sheer scale and seriousness of the situation. We ended up spend \$12,000 with the builder and contractors attempting to save the home.

It was at this time a group of residents joined together and engaged geotechnical specialists to investigate the ground movement, drill test holes and form a potential solution to the problem at a cost of \$5,500 each.

When it was clear that our house was beyond repair, breaking up and becoming a dangerous site with exposed asbestos sheets we decided to demolish it at a cost \$5,200.

The financial and emotional stress this has placed on our family is extreme and very painful and as a result developed a serious health condition; we are still trying to come to terms with it. No one expects to lose their house (literally) when you are planning to turn it into your family dream home. One of the hardest things in being forced to move so quickly was uprooting our family the from the kid's school and from our friends. We could not afford to buy another house so our family of 5 ended up living with relatives until we worked out what to do next. Throughout these struggles we continue to pay the mortgage on a house we can no longer live in.

I am more than happy to discuss this further ...

I am not sure whether anyone has spoken to Nick.

Another owner is David Berry. David and Denise Berry are the owners of 654 Deviot Road, Deviot. He says -

We are the owners of 654 Deviot Road, one of several properties identified in the Report as very seriously impacted by the landslip event of 2016.

The house at 654 Deviot Road was built in 1998. We purchased the property in April 2008. At the time of purchase, we inquired with the West Tamar Council as to whether there were -

- Any outstanding building compliance issues, work orders etc specific to the property?

We were told there were none; and

- Any other wider planning issues that might affect our on-going enjoyment of the property (eg. unusual development caveats, proposed rezoning of the area and/or other issues that might cause the property to not accrue a capital gain in line with gains generally regarded as normal for the wider municipality)?

We were told there were none. Specifically, the council made no mention of landslip issues, real or anticipated.

- The first-ever evidence or acknowledgement from the WTC or Tasmanian Government agencies, written or verbal, of a landslip issue affecting our property was a letter from WTC dated 13 October 2016, which acknowledged the recent landslip event.

Similarly, we've never been advised that any government landslip calculation for our property had been introduced, existed, or upgraded.

David makes many comments with regard to the property and I will just read a couple of excerpts -

Despite the knowledge by State and local governments of an active landslip, planning and building approvals continued to be granted for properties in the affected area, without either the Tasmanian State Government or West Tamar Council issuing specific warnings of landslip risk to property owners in the Brickmakers Point area.

While it seems the studies of the 60s and 70s failed to recognise specific landslip vulnerabilities for the Brickmakers Point area, it is clear that they should have! There was ample anecdotal evidence on the public record that this was the case.

The very fact that Brickmakers Point takes its name from the brick-making factory once housed at the site - located to capitalise on the abundant clay deposits underlying the whole area - was well known to State and local governments and should have triggered due diligence questions by the authorities and government agencies who commissioned the studies.

There were no attempts by the State or local government to insert in the West Tamar Council Planning Scheme acknowledgment of specific landslip risk, nor any requirements for new developments to incorporate landslip-amelioration measures in building/planning applications.

We regard the culpability for these admissions to be shared equally by the Tasmanian State Government, which signs off on the planning schemes of all local governments, and the West Tamar Council, which has carriage of implementing the State-approved planning scheme and, above all, is bound to act in the best interests of ratepayers.

Both parties knew of the significant landslip risk at Brickmakers Point for many decades. Neither party saw fit to forewarn affected ratepayers of this risk, either through one-on-one communication with those ratepayers who were owners of vulnerable properties or through the Council's planning scheme and associated planning and building approving processes.

In the report Pennington notes -

Extensive government-led geological studies of landslides in the Tamar Valley were carried out in the 1960s and 1970s, in response to a significant amount of landslide activity.

Despite this, government subsequently **failed** to implement meaningful measures for alerting property owners to the risk of landslip, nor for laying down statutory procedures for mitigating against the risks in planning and building approving processes.

Clare Freshwater and Nigel Lazenby; Clare writes -

My husband Nigel Lazenby purchased the property at 648 Deviot Road on 20/10/2010. At this time there was a tiny one-bedroom cottage on the block. Our block and 650 were previously one lot but the owner and her husband are separated and as he wished to remain here, he had built the cottage for himself. The property was sold by his estate to Nigel.

The results of a search made by the Tasmanian Property were attached to the letter below that we got from the lawyers Archer Bushby, prior to the purchase and in the letter it states -

We note that the property is affected by An Advisory Landslide Area Status, 'Class II'. If you intend to do any works at the property this may necessitate special footings or other building practices. If you have any concerns, please contact the Council or discuss with a qualified builder.

We note that the property is not affected by either of the following:

- A. A proclaimed landslip area; or
- B. A Water Management Plan.

Unfortunately, they have now discovered that was not correct and it should have been correctly identified as landslip 5. Clare has written a very comprehensive letter and I will not go into it all, but I think it is important that each landowner has some comment on the record. I have been to Clare's house, as has the current member for Rosevears; it is a very sad situation when you go to Clare's house.

You look out and you see undulating hills and then she told me it used to be flat. It was not always hilly or had dips. I walked into her kitchen and I think that was the thing I noticed most - walking behind her kitchen bench I was walking downhill. In her bedroom, she showed me the cracks in the shower, different cracks in the walls. She pointed out the remediation work they had done at a cost of \$350 000, which was now coming apart, and areas that were starting to stick up again.

We were there for four hours, maybe even longer. I got there at 2 o'clock and left at what may have been 9 o'clock. It is the saddest situation to sit with people who are visibly upset about their dream home falling to pieces before their eyes and they do not know what they are going to do.

Their Airbnb, which was a source of income, had to be sold to put under the house to stabilise it. They were relying hopefully, certainly on compensation from the state and the council - not compassionate payment, as I certainly do not agree with that, but I do agree with the member for Rumney: we are not here to look at how much money or how much people are going to get.

Clare adds, as part of her very long letter - which is available in the report and I would suggest to people they might care to read it - comments about the huge rains -

A few weeks after this huge rain we noticed a small drop in front of our small wattle trees in front of the riverside, master bedroom. Some small wattles began to lean and fall over. This drop seemed to be coming from the block on the Launceston side, owned by the Wells family. At this time, they were living in the small cottage whilst they built their new home at the rear of the cottage. The land where the Well's new house was being built had been excavated and dumped between our two houses in a mound.

Our stair case wall crack continued to open up and it seemed that the cracks and movement worsened. The builder ... was employed to lift and prop up the riverside front and southern wall of the master bedroom so that the sliding doors and the walk-in robe, en-suite and slider onto the deck could be closed properly. This was the first of so many prop ups.

The area in front of our bedroom continued to open into a gully and a crack extended from the gully across the gently sloping riverside yard in front of the septic tank. This crack eventually travelled across to #650 in front of their waste water treatment system.

The land on our block dropped slowly but dramatically on the river side of the crack, exposing a clay scarp which slowly crumbled, and collapsed. We were becoming more and more worried and noticed that our bedroom floor felt quite bouncy.

Clare goes onto say -

The ground movement seemed to slow down and things seemed to settle until in August 2016 when after a one in one hundred year rain event, the house and yard began to move and the house get damaged. The front deck moved

towards the river and away from the house. The stumps under our bedroom sloped badly. The stumps under the back-yard deck were moving towards the river and taking the deck with them. They began protruding from the decking.

Approximately three to four weeks after this huge rainfall, the rear yard began to drop even further and a crack appeared across the block which came from the direction of 650, between Deviot Road and our house, traversing No. 650s driveway, breaking his driveway and retaining wall and breaking our driveway.

A gap appeared between the concrete pad in front of our garage. Nigel had to close his gallery because it became unsafe to have visitors on the property with their cars struggling to get up the driveway. This meant an end to that income stream.

Then we have the Wells. Mr and Mrs Wells have the house - if members remember from this morning - that had huge poles driven in front of their property to try to stabilise it. She mentions -

If our current remediation works fail, we are unable to attempt any further works ... This threshold is not high enough to provide any reassurance, rather it is quite alarming. Even just last year for the month of July the Bureau of Meteorology records demonstrates up to 200 ml rain for Deviot. This is a real threat, and future weather events are only becoming more unpredictable thus we need to act on every opportunity we can.

Notes regarding the reporting of landslip activity discuss the importance in enabling appropriate management of the acute situation. However, despite the suggestion of notifying authorities being stressed throughout this report I believe the likelihood of this occurring to be rather low considering the potential outcome.

Then there is the property at 652 Deviot Road. They comment that they were not consulted -

The report in section 5.5.4, states 'This property was previously thought to be undamaged'. The first point to note is that as property owners of 652 Deviot (which is one of the properties included in the report) we were not once consulted throughout this project, so find that statement to be incorrect. So it is frustrating that our story and the emotional and financial impact this has had on us hasn't been taken into account. We currently rent out this property as we left the country in May 2018. We were therefore unable to attend community meetings and to have face to face contact with stakeholders ...

We purchased 652, as first time home buyers, ... and threw our heart and soul into renovating (\$60,000) as it was last touched when extensions were built in the 1970's. The 2016 Landslide saw open fissures/cracks appear on the lower part of our property which we backfilled. The annex (the only thing mentioned in the report) was undermined with the corner being a foot off its foundations which was continually underpinned on its piers whilst we were living there. Doors in the main home soon became stuck. Cosmetic cracks

appeared in the plasterboard in sections of the home, particularly the newly renovated master bedroom and ensuite, which are closest to the landslide and part of the extension put on around the 1970's. We continued to patch, re-plaster and paint but soon gave up. The worst sections have been covered by cladding. We had a large gap open up between the original build and the extension on the facer as the two different foundations were being pulled apart. In April 2017 we got an emergency works permit and started underpinning the foundations of the home along our bank side, again closest to the landslide, in an attempt to prevent any further movement in the home. We also then set about building a retaining wall (two tier, 25m long) to help stop any further movement caused from the landslide but also to counteract the huge amount of erosion on the steep bank caused by the continual flow of surface water admitted from the bio-tank system and storm water. So far spending approximately \$10,000 on landslip issues.

That was something mentioned this morning, if I recall, by Derek Pennington - that water goes onto the properties, but there is no avenue to take water off the properties, which was certainly an issue, obviously a council issue. I am not going to go into much more detail. I could read a lot more from the Pennington report, but I am quite sure members have copies and can read it themselves.

I felt it was appropriate to have some summary of the residents and home owners and what they are going through. When you consider there were five landowners, two rental properties at the moment, which have tenants in them, and two home owners who are actually living in their own homes, plus the Daking's home that has been demolished, there is nothing there but land with cracks through it that no-one can do anything to.

Leader, I ask you to comment on this in your response. It was actually said this morning in the briefing, but I think it would be really good to get it on the record. One landowner was concerned that, should they not accept the offer but a neighbouring property does accept the offer, the demolition of the next-door property could further destabilise their property. I think a comment was made this morning about engineers and the work that would be undertaken. On the record, could you perhaps comment on how the work would be undertaken if one neighbour accepts an offer and a neighbour does not, so that it does not undermine their property next door.

I will not go any further into the circumstances. I am sure everyone here is aware that unfortunately these properties were purchased on the understanding that it was level 2 rating for landslip, which was nothing to be concerned about, only later to find out that it should have been categorised as rating 5, which was very much something to worry about. I also believe that the overlays were then not transferred to the planning, which certainly did not indicate to them that there was a concern prior to them purchasing the property. It has been a series of errors along the way, and, unfortunately, these five innocent landowners are the ones who are suffering.

I really do not know what it would be like. All of us here go home to our homes, and we are very fortunate to have homes. We put the file down and think about it again the next day, and pick it up and look at it and feel for them. When you actually go to the homes - and, as I said, I have been on a number of occasions. When you go into Clare Lazenby's home

particularly - because Nick's home is not there - and you actually see the distress and the trauma that has happened to those families, and you can really understand how difficult it is for them.

We pick up a file, and look at the photos in the Pennington report. They actually do not have to look at photos - they only have to look out their window, or from their lounge room, look up the hallway, or look up above them to the cracks and at the windows, and every time they walk. they hear cracks.

As Clare said, she worries every day that with heavy rain, all of a sudden they could end up in the river and the banks behind them could come and take them away. We tend to think it will not happen, but then we think of Thredbo and we know things like that do happen - not very often, and you think surely it will not, but it actually can.

I find this a very difficult situation as well. I understand the difficulty with amendments or if the bill does not get passed, and I certainly feel for the landowners.

I would like the Government to have another look, but from speaking to Mr Jaensch, the minister, today, my understanding is that the offer before us is the only offer they are going to get.

[4.06 p.m.]

Mr DEAN (Windermere) - Mr President, this is an extremely difficult matter, absolutely no doubt about that. Members are spot on when they say that. I thank the member for Launceston for keeping me pretty much up with what has happened in this case.

As I said, it is an extremely sad situation. In fact, following the adjournment of the matter back in March, the position of Administration Committee B, which I chair, was that it would look more closely at this matter. On behalf of the committee I wrote to the minister responsible, Mr Jaensch.

Interestingly, in the first letter Mr Jaensch wrote to us he wanted to know what right we had to carry out any inquiry or to look at this matter further. I guess that letter was written for him, but it implied we really were not entitled to make any further inquiries into it because we had not been asked to do so by the Legislative Council. There was no order from the Legislative Council to do so, but, anyway -

Ms Rattray - The second letter was much more cordial, if you like.

Mr DEAN - Conciliatory, yes; it was cordial.

Ms Rattray - I am glad he took on board our second letter.

Mr DEAN - Yes, our second letter made it fairly clear we thought that maybe we should not respond in a similar sort of way. I thought we responded in a very open and fair way. We did not want to create any monsters that could occur in all the circumstances.

I guess we were pleased in that the minister undertook to carry out some further inquiry in relation to this matter and, further, that it would be done as soon as was possible in all the circumstances. We very much appreciated it.

Ms Rattray - Having that commitment to carry out a review certainly gave me and, I expect, the rest of the committee, some level of comfort, that the minister had taken on board the committee's interest.

Mr DEAN - It did. Yes, I think so, and that was appreciated.

I do not intend to speak for long on this matter, other than to put forward a few positions.

The member for Rosevears says that an indication of the dollar figure is not possible unless this bill is passed. I disagree with that.

A government, anybody in my view, would be able to simply say to these people, 'If this bill happens to get up and we accept no liability and no responsibility and nothing that goes with it, but if it did get up, this is an indication of what you could receive.'. For goodness sake, judges make these decisions in courts of law, when defence counsel says to a judge, 'What is my client going to get if they plead guilty?'. They do it all the time and the judge makes that assessment, but they do not have to stand by it. They simply say that if everything is all even and things go right, your client could expect whatever.

It could have happened. In the briefing, the member for Rumney made her position fairly clear and I support the position - it could happen with an indication, which would probably have assisted some of these property owners in the circumstances.

I want to recognise the previous member for Rosevears, Kerry Finch. He was very passionate about this. He involved me in this on many occasions, coming into my office, talking to me about Brickmakers Point, asking me where I stood, did I stand behind him to support them and all these other things. I said I would, because I have always agreed with fairness. That is my position and I will never change from that. Fairness for all people.

I commend the previous member for Rosevears for what he did for these people and for bringing this matter forward.

When you build a home like these people did, the builders or the home builders, whatever they were, would have looked at this very closely. They did what is required of them and that is what I am going through right now. I am ensuring that everything is done according to the legislation and the laws of the land. They would have done that very carefully

They would have gone to the council, got all their approvals - the many approvals you have to get. They would have gone through the trials, tribulations and frustrations that go with that, and there are many of them. None of them would have taken any shortcuts or done anything they were not entitled or required to do. They would have done that and worked closely with the council. It would have cost them many thousands of dollars to get to the stage of being able to build, probably \$40 000 to \$50 000 or more in some cases.

They have done everything right, absolutely. There is no indication any of these people strayed or did anything wrong. If you do that, do what is required of you at law to get all of the approvals and everything else, to me it stinks that the authorities involved should not pay these people for the true and the proper value of their properties in the circumstances. They have done nothing wrong. They have complied with all the processes.

The council has to accept a big responsibility for this whole thing. They put people through all the hoops and hurdles to get all the approvals and they take your money and so on, but when it comes to an issue like this, they want to duck for cover, go to ground and do not want to be up-front with these people.

My personal position in relation to these people is that they are entitled to the full value of their properties at the time at which they were vacated. I agree with the member for Launceston in relation to that.

One member mentioned about getting the money. Had they the money back in 2016, that money would have gone into the bank and, it was suggested, it might have accrued interest. In most cases, the money would have paid off mortgages for those properties. That is where the money would have gone.

Had those people still had their properties today, had everything been right, they would have been worth probably double now what they paid for them originally. Well, there would be a big increase because of what has happened with properties in the last 12 to 18 months.

To me, it is an extremely sad situation we are confronting here - innocent people caught up in a tragic situation. Mistakes were made by a number of people, by many people. In the session we had this morning with the professor, it was indicated that, in one instance, there may have been some difficulties with the engineering drawings, the engineering part of it. From what I know and understand, I do not think it matters how good the engineering drawings were, those homes, the whole damn hill, are slipping away. I do not think the engineering drawings would have saved it, whatever quality they might have been.

I thank the Leader for the briefings this morning. They answered a number of questions and brought many issues to my attention that I really was not aware of before. My dilemma now is: if we do not support this bill, where do these people go? What happens from here? That has been raised by others here. What is the situation? The local government has simply been recalcitrant in its position. It has said it will not budge; it will not change its position - it has a position and that is it. I understand that is the position with the state at the present time as well. These people would be left, in my view, in a position where no further offers might be made at all; they could be taken totally off the table and these people could be left to their own devices, which would mean taking civil action. That is what it would mean.

I am not quite sure who they would take civil actions against. I suspect it would be local government, the state Government - if they can do that - the engineers and goodness knows who else who might have had some say in giving the approvals for the houses to be built. That in itself would not be an easy process for them; that would be a drawn-out process. It would likely go on for years. We all know where civil actions are within the courts; there is a backlog. That, in itself, would create enormous frustration or further frustration and hurt for all these people. We would add to their current problems.

I was interested in the comment this morning that was made because of a number of very good questions asked of the department: if they accept a position here with the Government, if the Government is to make them an offer here and they accept that, are they then able to take any further action of any type? It was made clear then that yes, they can, for personal injury. They can take a civil action for personal injury. Once again, that will be a drawn-out process for these people. If this bill gets up and they accept the Government's position, that will be a

drawn-out process. I think it would add to their frustrations, their hurt and the personal injury they have already received, which is a heap of it. I am not going to guess as to whether, if the bill gets up, some people might do that. That is an option they have. That is certainly a better option than an indemnity applying right across the board, which identifies they cannot take any further action at all. That point would probably have me support the bill at this time.

My other point is that the CPI is the position now. As I understand it, it will be 75 per cent of the valuation of the properties as of 2016. But now, with the amendments or the changes that are likely to occur - and I think we will support it if the bill is supported - it will mean that there will be a CPI adjustment to that amount of money over a period of four years or whenever. If the bill is supported and a person enters into an agreement with the government for the government to purchase their property, they will have up to 24 months to do so. If a person applies to the government for the government to purchase their property on, say, the last week of that 24-month period, will they be entitled to that CPI adjustment right to the very last day of this agreement being in place?

Or, if somebody applies six months into it, will they only get the CPI adjustment up until the time in which they reach this agreement with the government? I would like to understand that because it could mean a substantial amount of money for these people as to when they accept the deal. Some might be in a financial position where they have to sign now because of mortgage or money issues. They might not have the ability to wait for a further 24 months. I would like an answer to that.

Ms Forrest - That is speculating on property prices though, isn't it?

Mr DEAN - We are talking about CPI adjustment. I am not talking about property adjustment because the property value is at 2016 so that has gone.

Ms Forrest - Yes. Right.

Mr DEAN - We are talking about just CPI.

Ms Forrest - Right. Yes.

Mr DEAN - Maybe there will be some better increases in CPI or worse - whatever way you look at it, a way forward for those people. Having said that, we really are in a tough spot as to where we go and what we do. As I said, my position is I am going to have to support the bill and would prefer to say 'No, not until these people can be fully compensated for the value of their property as of today.'. I do not think that is going to happen, unfortunately, and I do not want to put them through any further traumas, worries, problems and so on.

Having said that, I wish these people all the very best for the future. I would just like to see them go forward in the right way. Some of these people, we know, have young families, as the member for Launceston has mentioned. In particular, Mr Daking and probably others. They too have suffered. We have been told that their children have suffered. Of course, they would. It has been their home and for some of them, it is the only home they would know and then this all happens. It is really a tragic situation. I will need to consider my position on this matter further, but I lean towards supporting the bill.

[4.23 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I was not actually going to speak to this. That is why we had the briefing this morning, but I did not think I had a lot to contribute. Listening to this situation I have a question of the Government as we have had some families being put on hold for what they can do with their property, just because of the situation and the fact it has been delayed until 2020.

Put yourselves in their shoes: it started to happen, you are not quite certain what is going on and you do not know how far the damage is going to go with your property and you are trying to fix it as best you can because you want to keep the value in your home. You do not know what is going to happen and then suddenly the state Government and local government come up with a payment that would try to help and then that was put on hold through this device. You then have the situation where a couple of these families have paid quite big money to try to repair and contain further deterioration of their land and holding.

Now what we are asking them to do is go back to the value of CPI in 2016. There is no market value for the property at the moment because of what has happened, so you have to probably go back to 2016. You can do a comparative around the place but a property value a kilometre further down the road could have a totally different value in the fluctuating market we have. It is not an exact science. I think and believe both the Government and local government are trying to be fair and reasonable here. It could also be fair and reasonable to suggest that there could be an amendment that if the landowner agreed to sell their property, there is an additional reimbursement to the landowner of 75 per cent of the value of any stabilising or repair work they have undertaken in that four-year period.

While they have been put on hold trying to maintain their land, and they are all different, as the member for Rosevears has said - each situation is different. I will put on the record the discussion that might have been had between the state and local government: is this their final offer, is this their final situation? Or what if this place decided to say, well, not only should they get 75 per cent of the land value in 2016 plus CPI, but they should also get some reimbursement and compensation for the work they have done to their properties to live in them and maintain them. That is wasted money and they cannot get that back. They cannot sell their properties on; nobody will buy them. Therefore, they can decide to keep the property and put further money into it, to try to come up with a solution and save their property and live in it until they then are no longer able. I would not imagine they could sell it. Or do we give them a fair and reasonable sum to say, 'You have tried really hard to maintain it, therefore those who have been out of pocket will get 75 per cent of what they have also spent on their properties to try to sustain or maintain it.'

I was thinking of putting an amendment but I am a little guarded because, unlike the members for Launceston and Rosevears - and the past member for Rosevears - I do not know the five different families or owners. It would be unfair of me to put that on the table as an amendment.

I would like to hear from the Government and the Leader about what discussions were had between the state and local governments in this area? Is there potential for a percentage for reimbursement on what these people have spent trying to maintain their property and keep them safe?

There is no amendment coming, as yet. I know it has to be dealt with fairly quickly but we were also told that if the amendment goes through, it will not be tabled in the lower House until March next year. That is the situation, and I will be interested to hear what the Government says.

[4.27 p.m.]

Mr VALENTINE (Hobart) - Mr President, I do not think there could be anything that is more disconcerting or confronting than buying a house and then having it basically crumble under you. Most people would realise that it is the most significant investment you make in life, most significant commitment in some ways. I am sure some might say marriage is a pretty significant commitment.

It is a big commitment and I do not know how I would feel. You place yourself in the position of these people and try to understand what they are going through, not only today but for the previous years they have been dealing with this.

Losing it is one thing and coping with it is another. The mental stress they would have gone through is not insignificant. I thank the previous member for Rosevears for advocating for those affected and the present member for Rosevears for taking up their cause once more. I am sure those people are very appreciative of the fact that people are advocating for them in parliament. Well done on that score.

Ms Rattray - It appears that the advocacy on behalf of the current member for Rosevears has at least got that CPI attached to it.

Mr VALENTINE - That is right. When we read the original bill, it did not have the CPI in it.

I do not know what the circumstance is with regard to those five properties, whether there are people still living in them: can someone can inform me?

Ms Armitage - There are four lots.

Mr VALENTINE - Four still living there?

Ms Armitage - Two home owners are living there, and the other two are tenanted. The other house has been demolished.

Mr VALENTINE - Okay. I ask that question because it was brought to my attention what the previous package was with Rosetta. Reading some of the geotech report that came through, listening to the member for Launceston's summation of it all, and reading out some of the letters, I know they do not particularly want to be aligned to Rosetta, because they think it is a different kettle of fish, and it may be. But looking back at the *Hansard* in 1992 for the Rosetta bill, it reads in part -

Both the Glenorchy City Council and the Trust Bank, incorporating the SBT Bank which subdivided the area, have agreed with the Government to provide jointly timely and compassionate assistance to eligible residents.

On the basis of separate legal advice to the council, the bank and the Government, there is no legal liability on any of the parties in relation to damage caused by the landslip, yet the three parties have decided to assist those who are affected.

This should be seen clearly for what it is, a voluntary, compassionate expression of concern and a willingness to assist.

I think the same sentiment is being expressed with the matter presently before us today.

Mrs Hiscutt - That is correct.

Mr VALENTINE - It goes on further and says -

The essential features of the assistance package outlined in the bill are: payment of 75 per cent of non-landslip affected value of the property at the date of approval of the package; uninhabitability as the key criterion for eligibility; special financial hardship as an additional criterion; health and stress issues can be taken into account in determining eligibility; and transferability of eligibility is also covered.

In addition to these benefits jointly provided with the other parties to the assistance package, the Government has undertaken to allow property owners receiving the assistance package to salvage materials, fixtures and fittings from their property, provided this does not pose a safety risk to the local community, or to those who finally demolish the property. Further, the Government is providing a once-only payment, equal to stamp duty, to assist in the purchase of a replacement home.

Interestingly, while there is an attempt to be consistent in the way things are dealt with, to me a couple of things are not consistent - that is, stamp duty relief is not part of the package, and the date of approval of the package. If the date of approval of the package was when the person accepts it - that means it is today's value, not 2016. Maybe the Leader might explain why this is slightly different to what was offered to the Rosetta residents.

I think it is important we have that explanation so we know we are dealing consistently with this matter. It seems to me that the date of approval of the package would be today, if this gets passed - or at least, if there were an amendment when it is passed in the other place in March.

I need to hear from the Leader why this one differs from the Rosetta circumstance.

Mr Dean - This matter has been delayed for about four years. I think that is the difference.

Mr VALENTINE - Yes, but if the package is approved today, it could be the value as of today, not four years ago. Do you understand what I am saying?

Mr Dean - Yes, I do, but that is the difference between -

Mr VALENTINE - There are some differences. I am hesitant to inject this into the debate, but it is important to see whether we are being consistent, or whether we are not.

Ms Webb - I believe Rosetta was over a matter of years as well.

Mr VALENTINE - Well I am sure it was, because I recall it. But when the package was signed - when they accepted it - it would have been at current value. It would not have been four years previously. It would save all the CPI calculations; it would take into account the property boom - as the member for Rumney pointed out, the values of the properties going up much higher than CPI. There are all sorts of aspects to this. I would appreciate knowing why the Government has chosen to do the value as of 2016 plus the CPI as opposed to value at the date of approval of the packages. That is my fundamental question.

Yes, I understand there are differences because, back then, the uninhabitability was the key criterion for eligibility. As I have just heard, some can still inhabit them. However, looking at pictures provided of those properties, one would say, 'How long have they got?' and 'How much stress is a person able to bear?'.

I will leave that. I wish to hear most definitely the Government's response so I can decide whether an amendment ought to be moved. If the Government is moving an amendment, that means that it will not be dealt with until March anyway, and it may well be that if the Government is trying to be consistent, it might be prepared to offer the value rather than the CPI-based system that it has currently.

[4.36 p.m.]

Ms FORREST (Murchison) - Mr President, I will make a brief contribution on this bill. Much has already been said, but it is important to repeat some of the information we heard during the briefing and to clearly articulate what we are doing here.

I go back to what the member for Rumney was talking about when we were here in March this year, when it was brought on in a rush in the last sitting week before a period in which we were not quite sure how long we were going to be away at that point, from memory. It became pretty clear at that point, after the contribution from the former member for Rosevears, that there was still much uncertainty and unhappiness. That would be a good description of the state of the property owners directly impacted by the situation they find themselves in.

It seems to me that there were errors of fact, clear errors made by government departments and the West Tamar Council to the point that there is a level of liability and it should be properly considered. The question then becomes: are the landowners entitled to full compensation for the value of their properties or is it this formula that has been worked out? We heard very clearly from the current member for Rosevears that the property owners believe they should have 100 per cent of the value of their property. If it were my property, of course I would feel that. You would feel like you had been ripped, done over and misled, effectively, through the process.

We were also told previously - when we were here in March, but again in the briefing today - that the West Tamar Council has made a pretty clear statement around this. It is not going to budge from this framework. I think that has been the pretty consistent view of the West Tamar Council. Here we are, in some respects, between a rock and a hard place, trying to decide if this is the best option for these people.

We also heard that the Government is trying to put in place a consistent approach to these sorts of problems. Well, it is not really possible to have a consistent approach because these situations are all different. I am not sure whether some of the other examples from around Tasmania or in other jurisdictions around Australia had the same problems present such that the mines department, for example, made an error. You can try to be consistent, yes, but you cannot be totally consistent because no situation is entirely consistent. You try to do your best to provide some sort of support for the people who are directly impacted by decisions made or information provided to them through processes.

As the member for Windermere said, they rightly went through all the processes to get the approvals, and then found they were, in fact, not accurate.

It also highlights the point that any authority involved in assessing land for the purposes of development or mining, agriculture or whatever it is, needs to do really thorough and accurate assessments of that land.

We did some renovation work on our place in Wynyard. Even though it is very flat, near a river, we had to do a landslip assessment, with bore holes and everything. There are already landslips happening on the steep slopes on the other side of the river, and you can see landslips already happening there, but we are down on the flat, near the creek, and you think, if we slip, where are we going to go? I cannot remember what year it was, but there was a really heavy rain event on the north-west coast, and an underground aquifer became reactivated, and basically washed away all underneath a house up the hill, up Table Cape Road, which was left teetering there. This house had been built years and years ago, and suddenly this area was washed out. We thought a dam had burst up the road, but it was an underground aquifer that nobody knew about.

We really often do not know what is under there, and what potential there is, so it is important this work is done properly.

When I look at some of the developments that have been allowed to occur, in some of our coastal regions particularly, some of them are likely to be a liability for council, and/or government, waiting to happen.

Hellyer Beach is one example where, as I understand the history of it, the land was owned by the Crown, sold to the council, but the council were instructed not to build on it, because it was near the mouth of the river, and river mouths are very dynamic and move significantly over decades. Next thing the houses are about to fall into the river, because they have been built on the dune. Thankfully the river went back before it got to completely destroy almost the whole of Hellyer Beach, because once it got over that dune, it was into the whole settlement.

Another development on the go in Wynyard at the moment is right on the coastal foreshore. It is in a coastal erosion area and the development has been approved, not through the council, but as a permitted use, a multi-unit development. Another story for another day, but it has to be within 30 metres of the high tide mark. They had to readjust some of the plans to make it compliant - so they are right on the edge of the 30-metre setback from the high tide mark. A king tide and a heavy rain event, a bit of climate change - which is already happening - and they will be under water, too. Crazy.

We are not doing assessments well enough. We should not be building in some of these areas. Yes, they are a nice place to build a house and look out at the sea, until your house goes under the water, or it falls into the creek.

Back to this bill: is this the most appropriate process? The way I have come to rationalise this is that we are now at a point where if we do not do something, these people will continue to live with really high anxiety. We heard from the member for Rosevears and the member for Launceston, who have spoken to these people directly, and read some of their comments in the report, that they are all unique in their circumstances. They are unique in their financial position, their stages of life and that sort of thing.

One blunt piece of legislative instrument will not satisfy all or any of them entirely, but if we do not do something, they end up with nothing.

I do not disagree with the member for Windermere. Surely the Government or someone could give an assessment of a ballpark figure, but I could work that out for myself. Essentially, the information is there; you could work it out.

But without a legislative instrument, we were told quite clearly in the briefing today, the departmental officers who are dealing with this and the Government, through that process, cannot actually make an offer. Until that occurs, there is nothing.

I absolutely hear the mental anguish and distress these people have been experiencing. At least one house has already been completely removed and demolished as a result of the damage done. Others have spent significant amounts of money in shoring up their properties. I look forward to the response from the Leader to the member for Mersey's questions about those who have spent money on their properties to shore them up in this period, where there has been this uncertainty. There has been a particularly significant period of uncertainty.

On balance I find myself in a position where I have to support this. It is a small group of Tasmanians when you look at the whole population, but if they were my constituents I would feel very passionate about the need to support them. They are fellow Tasmanians regardless of where they live. We are here for all Tasmanians.

Ms Webb - It could be our electorate next time.

Ms FORREST - It could be; it already has been in my case in some erosion issues we have dealt with. It does not matter where they live in Tasmania - they are still Tasmanians and we are here for all of them. I will listen to the Leader's comments in relation to the amendment proposed by the Government. I acknowledge I will support that amendment if the House, as a whole, does. That means these people still have to wait until March or beyond to get a final offer. I expect - and I would like the Leader to clarify this advice - that no doubt if we do pass this legislation with the amendment, acknowledging it is a government amendment, it will be supported when it goes back downstairs.

Can the department get on with working out the numbers and actually giving these property owners some certainty - at least before Christmas - to know what they could be looking at? Not that this changes the passage of the legislation, but it would actually allow those people to have some sort of clarity about what would be offered to them. They can then start thinking about what they might want to do, whether they want to accept an offer once it is able to be assessed, because there is a piece of legislation that gives effect to it, even though it might not

be enacted at that point. It gives the department some sort of clarity around that. They have been waiting long enough for some sort of indication. I look forward to the Leader's comments in response to those matters.

[4.47 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I would first like to thank my advisers; they have done a wonderful job with supplying, hopefully, every answer, but we will work our way through.

Starting with the member for Rumney - we wanted to make it clear this is not compensation; it is a payment on compassionate grounds. A few members have already spoken about that. Not only the member for Rumney, but all members please bear in mind that this is a payment on compassionate grounds, not compensation.

This is for the member for Rumney - modelling on the valuation options. No detailed modelling can be done on the differences between the various possible methodologies without first conducting reliable valuations of the properties in question. Valuations will be done by the Valuer-General on a case-by-case basis and will be subject to the individual features of the properties.

Also for the member for Rumney - 2016 versus contemporary valuations. The Government has chosen the proposed approach of valuing properties from May 2016 because it provides certainty and equity for the landowners. The approach of applying current valuations was considered and advice sought from the Valuer-General. The outcome of that review was the value of CPI increases and the potential impact of moving the valuation date from 2016 to 2020 were broadly similar, noting that specific valuations will be undertaken once landowners agree to participate in the program.

The advantage of setting a 2016 date for valuation is that it provides certainty for landowners. It provides a defined point for the valuation of properties that does not change based on when someone makes the decision to participate in the program. In the recent amendments proposed by the Government, the real valuation of the compassionate payment to landowners based on the 2016 valuation is maintained, regardless of when someone chooses to participate in the scheme. This is fair for everyone involved.

We move on to the member for Launceston - the bill is simple, has clear time frames, and provides certainty. It seeks parliament's endorsement of a targeted financial assistance scheme to support a small pocket of property owners whose lives have been severely impacted by landslide.

The Government is aware that these property owners have already endured significant stress and uncertainty over the past three-and-a-half years. The intention of the Government is to support these families equitably through a payment to be made on compassionate grounds. There is broad precedence for calculating this payment based on a proportion of the pre-landslip valuation of the property. This is a fair and reasonable approach to assisting the landowners at Brickmakers Point.

Also for the member for Hobart -

Ms Armitage - Do you have any more answers for me?

Mrs HISCUTT - I beg your pardon. No, I have put the wrong name there. Member for Launceston, I do beg your pardon.

Ms Armitage - Thank you.

Mrs HISCUTT - Yes, I do have more answers for you.

Many of the issues raised by the member for Launceston relate to where there is a liability and this is untested at the moment. The Government is seeking authority from parliament to use taxpayers' funds to provide a payment that it would otherwise not be required to make. Offers of assistance are not being made on the basis of any liability on the Crown's part. The property owners are free to bring an action against the Government, the council, or another party, if they believe any of those parties is liable for the damages they have suffered.

Mr Dean - Does that relate to local government as well? The money they are paying out?

Mrs HISCUTT - Property owners are free to bring an action against the Government, the council, or other parties if they believe any of those parties is liable for the damages they have suffered.

Mr Valentine - That is if they do not receive the package?

Mrs HISCUTT - Yes. That is correct. The right of action is only extinguished where the property owner instead decides to accept an offer from the Government to purchase their property. The Government can undertake preparatory work in support of prospective valuations. For example - and I think a couple of members asked this question -

Ms Armitage - Do you still have another answer for me with regard to demolishing the house next door?

Mrs HISCUTT - Yes, that is coming.

Ms Armitage - Thank you.

Mrs HISCUTT - The Government can undertake preparatory work in support of prospective valuations. For example, initial inquiries and work could be done by the Valuer-General in relation to the affected properties, subject to cooperation by the property owners. This preparatory work could assist in expediting the formal application, valuation, and offer-making process that will be established should the bill pass this parliament. A couple of members asked that question so that work can start should the parliament pass the bill.

Ms Armitage - So that work will start immediately? In January? I was told by the minister, Mr Jaensch, that the Leader would actually be able to say when it would start, that it would start immediately.

Mrs HISCUTT - You did ask a specific date? You did say January or after Christmas?

Ms Armitage - No, but it would start immediately before it goes back in March.

Mrs HISCUTT - In discussions with the minister - I can read that again, if you like.

Ms Armitage - Yes.

Mrs HISCUTT - In discussions with the minister, the Government can undertake preparatory work in support of the prospective valuations. For example, initial inquiries and work could be done by the Valuer-General in relation to the affected properties, subject to cooperation by the property owners. This preparatory work could assist in expediting the formal application, valuation, and offer-making process that will be established should the parliament pass this bill.

Demolition work - this was asked by the member for Launceston and other members. Demolition works will be undertaken in accordance with all relevant assessment and approval requirements. Specifically, demolition will need to be done in accordance with the Building Act 2016, which requires notification and in certain circumstances, agreement with adjoining landowners. These works will be done by the Crown before transfer of the properties to the council.

Ms Armitage - If the Leader could further advise. In the briefings, I recall it was geotech or there were certain requirements. You have mentioned the Building Act and notifying the neighbours, but in the briefings, I asked because one neighbor was concerned that if the property next door was demolished and theirs was not, there could be damage. The answer was to do with geotech and engineering works to be undertaken.

Mrs HISCUTT - All works that have to be carried out will have to be done in accordance with the Building Act 2016.

Ms Armitage - I am not sure whether the Building Act includes things like that for demolition.

Mrs HISCUTT - That will include appropriate engineering assessments.

We move on to the member for Windermere, plus the member for Launceston also talked about this one - the full valuation of property versus 75 per cent.

Consistent with previous landslide assistance packages, any offer to purchase will be made at 75 per cent of the relevant property's pre-landslide value. The Government's amendment to the bill applies to the consumer price index adjustment factor, to any offer made by the minister to purchase an affected property, which would have the effect of increasing the quantum of assistance.

The CPI adjustment acknowledges that over four years has elapsed since the landslip event and, in doing so, would effectively backdate any purchase offer as though it had been provided and paid immediately following the landslip event.

The Department of Premier and Cabinet recently conducted a review of the assistance proposed by the bill. The review showed the proposed assistance is broadly consistent with the methodology of previous schemes of its kind in Tasmania and comparative to the interstate examples considered.

It is important to note this is not a compensation scheme. The assistance on offer is not designed to compensate affected owners, rather financial assistance is being offered on a compassionate ground. In light of this, the Government and the council have determined that the level of the proposed assistance is fair, reasonable and equitable.

The member for Mersey talked about 75 per cent of the engineering costs. I am advised the Government has considered the option of increasing the offer to include a proportion of costs associated with engineering works on site, but believes that the current offer is equitable. The Government understands landowners have incurred significant costs in taking whatever action they considered appropriate in their individual circumstances.

Some families looked to engineering solutions, others for example, incurred additional living expenses for accommodating their families in alternative locations. The intention of the Government is to support these families equitably through a payment to be made on compassionate grounds. There is broad precedent for calculating this payment, based on the proportion of the pre-landslip value of the property. This is a fair and reasonable approach in assisting the landowners at Brickmakers Point.

The member for Windermere spoke about the CPI adjustment. Yes, the CPI adjustment factor may change in the 24-month window in which applications for assistance may be made. The CPI factor is calculated based on the percentage change that occurs from June 2016 and the quarter immediately preceding the day on which an offer for assistance is made.

The member for Hobart spoke about the stamp duty. The Brickmakers Point Landslip Bill is similar to the Rosetta Landslip Act 1992 in that it provides a mechanism via which financial assistance can be provided to property owners impacted by landslip. However, over 25 years has passed since the Rosetta Landslip Act 1992 was enacted. The assistance being made available under the Brickmakers Point Landslip Bill is what has been agreed to by the Government and the council. It is considered to be fair and reasonable, particularly considering that it is being made available on compassionate grounds only. The member for Hobart also spoke about the difference on the Rosetta landslip area, where the valuation was as at the date of the offer. It is important to note that the assistance being made available under the Brickmakers Point Landslip Bill is what has been agreed to by the Government and the council. It is considered to be fair and reasonable, particularly considering that it is being made available on compassionate grounds only. It is not in any way compensation for actual loss.

Mr Valentine - I appreciate that, but why 2016? That is the question.

Mrs HISCUTT - The Brickmakers Point Landslip bill is similar to the Rosetta Landslip Act 1992 in that it provides a mechanism by which financial assistance can be provided to property owners impacted by landslip. There are a number of differences, most notably a more streamlined process with owners automatically being eligible. I will seek some advice, Mr President.

Member for Hobart - I have read that answer to the member for Rumney, but I will read it again. It was the 2016 versus contemporary valuations. The Government has chosen the proposed approach of valuing properties from May 2016 as it provides certainty and equity for landowners. The approach to applying current valuations was considered and advice was sought from the Valuer-General. The outcome of that review was that the value of CPI increases and the potential impact of moving the valuation date from 2016 to 2020 were broadly

similar, noting that specific valuations would be undertaken once landowners agreed to participate in the program.

The advantage of setting the 2016 date for valuation is that it provides certainty for landowners. It provides a defined point for the valuation of properties that does not change based on when someone makes the decision to participate in the program. In the recent amendments proposed by the Government, the real value of the compassionate payment to landowners based on 2016 valuations is maintained, regardless of when someone chooses to participate in the scheme. This is fair for everyone. I think I mentioned in another answer there that some people had moved out and were paying accommodation in other places, so this is a defined point from which it will happen.

Mr Valentine - While you are on your feet, a final question there in relation to that, if I might, Mr President. Your amendment seems to simply add up the CPI increases for the four years and then apply that, as opposed to taking the value of 2016, adding the first year of CPI, then adding consequent years on top of those values, which makes quite a significant difference. I am not quite sure what you call it - factorial or whatever it is, compound.

Mr PRESIDENT - That may be a point to raise in Committee, I suggest.

Mr Valentine - Okay, I will do that; I will raise it in the Committee debate.

Mrs HISCUTT - Thank you, Mr President.

Ms Forrest - The Leader did not address a question I asked about whether the department might be able to give some sort of indication as to whether they would be able -

Mr Dean - She actually did cover it.

Ms Forrest - It was that one, right, yes.

Motion agreed to.

Bill read the second time.

BRICKMAKERS POINT LANDSLIP BILL 2020 (No. 15)

In Committee

Clauses 1 to 5 agreed to.

Clause 6 -

Valuation of affected properties to which applications relate

Ms ARMITAGE - My question is one I possibly should have asked during the second reading debate, but I have just remembered it. In clause 6 -

- (3) The Valuer-General must make under subsection (2) a valuation of an affected property based on the value that the property ... would have had on 1 May 2016 -

In the case of the property at 648 Deviot Road, the situation there was that back in September 2012, the land was valued at \$200 000, with a capital of \$360 000 but, because of the landslip, the owner of the property approached the Valuer-General to say their land is obviously not worth as much now because of the situation that occurred, and the land was revalued to \$140 000.

Ms Webb - To help bring the rates down.

Ms ARMITAGE - To help bring the rates down, because why am I paying so much rates on a property? Now, the Lazenbys had some concerns about that. If they were to look at this offer, the fact that they actually had the price of the land, whereas if they had not - I am assuming if they had not actually gone to the Valuer-General - the 2016 price of the land would still have been \$200 000. How do we look at that? Will that be taken into account with this valuation, or not?

Mrs HISCUTT - The bill goes on to (a) and (b) as well, which says that the property will be valued as if there was not any damage at that time. That is what it says there.

Ms ARMITAGE - I appreciate that, but the actual value has changed. They actually had it changed. They went to the Valuer-General and had it reduced irrespective, so I think they would just like some comfort if it is possible that the value would go back to \$200 000 because - I see Mr Healey is shaking his head.

The concern is that we are looking at a substantial difference in monetary value. We are going from \$140 000 in 2014, back to \$200 000 in 2012. The land value changed by \$60 000. I understand what you are saying about no change, or the change with that, but this is something that was changed with the Valuer-General, because the landowner asked for the rate reduction.

Mrs HISCUTT - It will be revalued again. I am informed that valuation will be irrelevant. The Valuer-General will come along and revalue it again as if there was no damage at that particular point in time.

Mr DEAN - Madam Chair, what exactly is classified as 'chattels' in this instance? Would solar on these properties be classified as chattels because there would be a fair value to a property owner in this instance by removing that to cover some of their costs. Obviously, it relates to some electrical appliances and things like that, but what specifically does 'chattels' mean in this situation?

Mrs HISCUTT - I cannot see in clause 6 where you are looking at chattels.

Mr Dean - It is referred to in clause 6(3) - 'The Valuer-General must make... a valuation ... only so that based on the value that the property (exclusive of any chattels) ...'.

Mrs HISCUTT - Thank you for the clarification. The definition of chattels would be the usual definition of chattels and would be in the Valuer-General's guidelines. You are going to ask me what would be included in that?

Mr Dean - I am asking specifically whether solar would be because that is something people put in as attachments at quite a big cost for the whole unit.

Mrs HISCUTT - We have put the request out to someone, so the answer will come back shortly.

Mr Dean - It is not a die-in-the-ditch thing, but I guess these properties owners would want to know that.

Mrs HISCUTT - We are seeking some advice from someone not present in the room; hopefully, they will get that message and answer that soon. I am happy to move on, whatever the member wants to do.

Mr Dean - Yes, move on.

Clause 6 agreed to.

Clause 7 -
Offers to purchase affected properties

Mrs HISCUTT - Madam Chair, I move the following amendments -

First amendment

Clause 7(2)(a) -

Leave out the paragraph

Insert instead the following paragraph:

- (a) that the purchase price is to be the amount determined under subsection (2A); and

Second amendment

After clause 7(2),

Insert the following subclause:

- (2A) The purchase price of an affected property is to be determined in accordance with the following formula:

$$A=VA+(VA \times C)$$

where -

'A' means that the purchase price of the affected property;

'VA' means the amount representing 75 % of the amount of the valuation of the affected property made by the Valuer-General under section 6(2);

'C' means the sum of each percentage change in the CPI, in respect of all groups for Hobart in a quarter, that has been reported by the Australian Bureau of Statistics, in relation to a quarter, on or after 1 June 2016 and before the day on which the offer is made under this section.

In speaking to that amendment, the Brickmakers Point landslide in northern Tasmania has had a substantial impact on affected property owners, both financially and emotionally. The Government is acutely aware that these property owners have endured significant stress and uncertainty over the past four years.

Concerns were raised in this Chamber in March as to the methodology for calculating assistance under the bill, and debate was adjourned. In response, the Government undertook to do some further work looking at the terms and conditions of the proposed financial assistance. The review involved comparing the proposed financial assistance under the bill to previous Tasmanian landslip schemes and to schemes in other jurisdictions. The Government wants the affected property owners to have the opportunity to access fair and reasonable financial assistance, while balancing consistency with long-term Tasmanian government policy principles in this situation. Therefore, the amendment I am moving to this bill will adjust any property purchase offers to take into account the time elapsed between the landslide event and the provisions of assistance, which is approximately four years.

The amendment would apply a consumer price index adjustment factor to any offer made by the minister to purchase an affected property. The CPI adjustment factor would be the aggregate percentage increase in the Australian consumer price index as reported by the Australian Bureau of Statistics between the 2016 July quarter and the quarter preceding the minister's offer. The CPI adjustment will be applied to any offer as calculated under the bill as it currently stands. That is on top of the 75 per cent of the 1 May 2016 unaffected value as assessed by the Valuer-General. At a practical level, the amendment will effectively backdate any purchase offer as though it has been provided and paid immediately following the landslip event.

It must be acknowledged that the proposed financial assistance, like previous landslip assistance programs in the state, is not compensation and therefore has not been calculated on that basis. Financial assistance is being offered on compassionate grounds and not as a result of any legal liability on the Government's or the council's part for the damage caused by the 2016 landslide event. The intention is to provide the property owners with the option to get out of a difficult situation rather than to provide recompense for all costs or damages incurred.

Honourable members, I ask you to support these amendments.

Mr VALENTINE - I have actually done the sums. It probably means that if it were compounding as opposed to being just an aggregate of the percentage, then multiplied - if it were compounding, if it were \$300 000 base value, they would be \$804.96 better off. It is not a lot of money. I am torn between what we are allowed to do constitutionally, and that is cause the Government to spend more money. I am not sure that we can actually do that in this

Chamber. The Government is offering this as an amendment. It is better than what currently exists in the bill. In that sense, I would be reluctantly supportive. I think that the value should be consistent with the Rosetta landslip, but clearly that is not the Government's intention.

Amendments agreed to.

Mr DEAN - I am not sure if this was covered in the second reading answers or not but I will ask again. If an agreement is reached and the Government buys these properties, stamp duty was mentioned by a member. What about lawyers' fees and all the other fees a property owner would normally have to accept in all these circumstances? Will they be able to be covered by the Government in these circumstances? What happens there? Are they still liable for all these costs they have been forced into?

They had no option and the property is slipping away, so what is the position? I have a couple of other questions while I am on my feet. The member for Mersey took it up and I might have raised it in the briefing - the stabilising costs incurred are an out and not a consideration at all, simply a cost borne by the property owners?

Mrs Hiscutt - For clarification - who? Is this the Government remediating or is it the -

Mr DEAN - This is the Government remediating, yes. I still take up the issue and will ask the question again about the ballpark offer or indication of the cost. Surely, if a property owner could come to a department officer and simply say, 'Look, my property was valued at a million dollars in 2016.'. If this bill were accepted, why could the department officer not say to them that if that property would return what - 75 per cent, \$750 000 or whatever it was plus -

Ms Rattray - Plus CPI now.

Mr DEAN - Plus CPI up until this year 2020. We know what the CPI adjustment is up until the year now. What would stop the department saying, 'Well, yes, if all of that were there, all equal, yes, for your property you would be entitled to \$955 000 return or \$980 000-odd return'? What is wrong with that?

Ms Rattray - What is the difference in really the property owner knowing what the value was of their valuation at 2016 and adding the 2.1, 2.1, 2.1? You are going to be in the ballpark anyway.

Mr DEAN - Yes, absolutely and that is all people will want, some ballpark return to them, nothing more than that. I could not see anything legally binding a department or the Government or anybody else for that to happen, based on what they are saying. Was it really considered in the interests of these property owners or was there some other reason for it not being considered? I think the other questions have been answered. I had the salvaging, but that has been answered. That is it, thank you.

Mrs HISCUTT - With relation to your first question, you talk about lawyers' fees and the like. This is not a compensation payment cost. I will say it again - it is a compassionate payment.

Mr Dean - Yes.

Mrs HISCUTT - For the fear of repetition, Madam Chair, I have to reiterate that.

Madam CHAIR - No, you are able to correct -

Mrs HISCUTT - Lawyers' fees are costs so they are not - it is not a compensation payment.

Your second question was about who pays for the remediation. Once the deal has been agreed to between the Government, council and the owner, the state Government will pay for the remediation.

Mr Dean - So not local government?

Mrs HISCUTT - No. I think the state Government will pay for the remediation before it is handed over to the local council for maintenance after that.

Mr Dean - Once it is remediated, the restored land goes across to local government?

Mrs HISCUTT - Once the state has paid for the remediation of the site, it will then hand it back to the council for maintenance and whether that maintenance is slashing the grass once a year, that is what they will do. You spoke about a ballpark figure. The member for Launceston gave a very good reason. One of the people had two valuations so we, as a Government are statutorily bound to get the value from the Valuer-General. The Valuer-General will do the valuation once this bill is ticked off, so it is not up to the Government to speculate on a price.

Had we done that, or someone had done that, the member for Launceston quoted someone a moment ago who had two different valuations. We would have been wrong on one, or right on the other, so we are bound to take our value from the Valuer-General, who has not done the valuation yet.

Ms RATTRAY - A question on how the Government is going to receive back the co-fund from the council. Will the Government pay the full amount to the property owner, and then send an invoice to the council as progressively they may occur, or do they wait until the end of the two-year period and send an amount that is reflective of all the property transactions? I am interested in how that might occur, thank you.

Mrs HISCUTT - The arrangements between who is going to pay first between the council and the state have not been finalised, but how we arrange our finances in the middle between the two will not impact on the five families involved.

With regard to chattels, member for Windermere, I have an answer for you - a chattel is something that is not a fixture. A stove would be defined as a fixture, as would a solar panel, as long as it is attached to the home.

Ms RATTRAY - The Leader indicated there have not been any negotiations with the West Tamar Council -

Mrs Hiscutt - I did not say that. I said it has not been finalised.

Ms RATTRAY - Has it not been finalised? What are the negotiations thus far with how the state Government is going to recoup, on behalf of the citizens of Tasmania, their contribution to the 75 per cent, plus CPI, to any landowners who opt into this process?

Mrs HISCUTT - The bill provides a framework under which the state and the council will be able to offer financial assistance jointly to the owners of the five affected properties.

Details of the funding agreement with council are not specified in the bill itself; however the parties have agreed in principle to the following terms -

- The purchase price of acquired affected properties will be shared equally between the Tasmanian Government and the council.
- It has been agreed that following acquisition, ownership or acquired properties will transfer to the council.
- It has been agreed that the Tasmanian Government will fund demolition and remediation costs of all required properties.
- Following demolition and remediation, council will have responsibility for ongoing land management in and around the landslide-affected area.

The Government and the council are currently actively discussing the finer details of the agreement, with a view to finalising the deed as soon as possible. That work is happening behind the scenes, but does not affect this bill.

Ms RATTRAY - You say there is some work being done, negotiations being carried out. I am sure the departmental people can advise you, because they are probably the ones who have been doing the negotiations: will the property owners who opt in receive a cheque from the Government for their half, and will the council make their contribution separately? I am interested in how this might work. I am interested in how the council is going to be held to account for its contribution.

Ms Armitage - The Government is paying this part, the CPI, 100 per cent of it.

Ms RATTRAY - Okay, the member for Launceston has indicated the Government is paying the full cost of CPI, so that leaves just half of the 75 per cent. That is very generous of the Government by the way.

Ms Armitage - You might like to confirm that, Leader, because I am sure that is what the minister told me today.

Ms RATTRAY - So confirmation about that, but then how is the 75 per cent being arranged with council? Do they get it separately? Do they get it from the state Government, and then the state Government seeks council reimbursement for half of the 75 per cent? By interjection, I said I thought that the member for Rosevears has done a really good job in being able to negotiate, and even if it is just 8 per cent more, it is 8 per cent more than was here prior to what we have today.

Mrs HISCUTT - I can confirm that the CPI will be from the state Government. I can confirm that one payment will be made to the affected family or families, whoever decides to

take it up. The specifics of payments to the landowners will be agreed in the final deed so they will know what is happening. The simplicity of the arrangements for the payments to the landowner will not be affected by the discussions between the two governing bodies.

Ms Rattray - The state will get its money back?

Mrs HISCUTT - Or the council might get its back.

Mr VALENTINE - You may have dealt with this earlier and I missed it because I was trying to find some detail myself: regarding the money landowners have actually spent on trying to remediate their property, was any consideration given to any level of compassion as opposed to compensation in those amounts?

Mrs HISCUTT - I think I have read this in twice before when I did my summing up but I will try again to see if it hopefully answers your question.

Mr Valentine - If you read it, it gets through.

Mrs HISCUTT - The Government understands that the landowners have incurred significant costs in taking whatever action they considered appropriate in their individual circumstances. Some families looked to engineering solutions; others, for example, incurred additional living expenses for accommodating their family in alternative locations. The intention of the Government is to support these families equitably through a payment to be made on compassionate grounds. There is broad precedent for calculating this payment based on a proportion of the pre-landslip value of the property. This is a fair and reasonable approach to assisting the landowners at Brickmakers Point.

Mr VALENTINE - I did hear that, but anyway. If they take up this package, we know that means they are not allowed to take any action against the Government or the council. Does it also mean they are not allowed to take any action against the Government or the council in respect of that money they have spent to try to remediate? I want to get that on the record.

Mrs HISCUTT - We are talking about costs. I covered that earlier. If they take this package, that will indemnify the council and the state from any further claims, but if they choose not to take the package, it would be open slather for them to do whatever they liked.

If they took the package, it still indemnifies the council and the state, but they could still look at it, with an engineer or a builder or somebody outside those two parties that were identified.

Mr Valentine - That is the advice provided in the briefing. I wanted to get that on the record, thank you.

Mr DEAN - I raise chattels again, because we are talking about values of the properties. I take it that if a solar system is on a piece of land, as it is in some places, or on an outer shed, it probably could be removed by the owners. They could recoup something from that, I suspect.

I asked a question on rates. I take it the council has not been asking for rates for these properties? Does that become part of this? Does that fit into this as well, with exemptions for rates on these properties during this period of time?

I have already said that we thank the minister for listening to Committee B in wanting a better deal done with this whole thing. That was a position we took, and the member for Rosevears at the time made it clear he would not accept anything less than a better deal as well. It was a combination of things that helped get these increases.

Mrs HISCUTT - We are talking about two things there. As long as your solar supply was wired into the house, that is part of the deal. If it is one of those little things that you plug into a power point that you take on a caravan with you, that would not be covered.

With regard to rates, this payment is on compassionate grounds, not compensatable grounds, so rates are not included, or rates are not taken into account, because this payment is a compassionate payment, not a compensation payment.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 15 agreed and bill taken through the remainder of the Committee stages.

Bill reported without amendment; report adopted.

BRICKMAKERS POINT LANDSLIP BILL 2020 (No. 15)

Consideration of Amendments made in Committee of the Whole Council

Amendments agreed to.

BRICKMAKERS POINT LANDSLIP BILL 2020 (No. 15)

Third Reading

[5.41 p.m.]

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

That the bill be read the third time.

Ms FORREST (Murchison) - Mr President, we are obviously taking this under suspension anyway, which happened in March, from memory. I assume the Leader did not seek leave to suspend Standing Orders. I was happy to let that go.

Mrs HISCUTT - It was already done. I do not have to seek leave again, do I?

Ms FORREST - No, no, that is what I am saying. Now, the motion is that the bill be read the third time. We are here tomorrow and it is ridiculous to ram it through when many questions were asked in that period. Members may need time to go back and check their notes.

I do not see what the undue haste is. Even if there were haste, because the lower House were here - which it is not, it will not be here till March - what difference does overnight make? I will be saying no to this motion, Mr President.

Mr PRESIDENT - I will just read the Chair's certification. The Chair of Committees, having certified that the bill, as printed and amended in writing, is in accordance with the bill as reported, the question is -

That the bill be now read the third time.

[5.43 p.m.]

Mr DEAN (Windermere) - Mr President, I certainly support the member for Murchison's position today. We are sitting tomorrow. I cannot see what difference it will make if it went through the third reading now against tomorrow morning. We will be sitting at 11 o'clock in the morning. Under these circumstances, we need to consider some of these issues. A number of matters came out. I think the member for Launceston certainly had a number of issues and concerns, and probably still has. I certainly support the position put forward by the member for Murchison and ask other members to do so.

Ms LOVELL (Rumney) - Mr President, a point of clarification: we are actually debating the third reading. The question is the third reading. It is not a suspension of Standing Orders because the suspension was agreed to in March.

If we vote against the question that has been put now, we are actually voting against the third reading of the bill, not the suspension of Standing Orders. It really is up to the Leader whether she chooses to proceed with that question or withdraw it and put it again tomorrow. I want members to be clear that it is actually the third reading we are voting on now, not a suspension of Standing Orders.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, even though we have taken the bill under the suspension of Standing Orders and the minister was keen to see it get through. I am happy to leave it overnight and seek leave to withdraw my motion.

Leave granted.

Motion withdrawn.

TABLED PAPER

Appropriation Bill (No. 1) 2020 (No. 46) - Answer to Question

Mrs HISCUTT - Mr President, during debate on the Appropriation Bill (No. 1) 2020 (No. 46), Output Group 4, Output 4.4, Aboriginal Affairs, I undertook to provide an answer to a question asked by the member for Hobart. I now seek leave to table the answer to that question.

Leave granted.

ADJOURNMENT

[5.45 p.m.]

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

That at its rising the Council adjourn until 11 a.m. on Thursday, 10 December 2020.

Honourable members, I remind you of our 9.30 a.m. briefing in Committee Room 2 on the bill we will deal with tomorrow.

Motion agreed to.

Estimates Committee B - Incorrectly Addressed Email

[5.45 p.m.]

Ms RATTRAY (McIntyre) - Mr President, yesterday in the Estimates process the member for Elwick, Mr Willie, asked a question in regard to Output Group 3, Corrections and Enforcement, Output 3.1, Prison Services. It was about the arrangements for Ashley Youth Detention Centre detainees and about prison staff left to provide them with meals and to supervise and manage them. That question was put on notice, and at the time the Leader provided a response we had received that email at 2.07 p.m. on Friday, 27 November 2020.

We were somewhat surprised that we had not received that information because the secretariat support for Estimates Committee B, as I am sure with Committee A, in the Legislative Council is exceptional. So we did a little bit of research. That email had been sent to Natasha Exel but her name was spelt incorrectly. That is why the committee did not receive that email and I want to put that on the public record, to correct the record, that Natasha Exel is E-x-e-l, with no 'c'.

Mrs Hiscutt - Thank you very much for that clarification.

Ms RATTRAY - I said it is a busy time and everyone is busy, including departments and the like, but our secretariat works hard and is exceptional, and I stand by that comment.

Mrs Hiscutt - Yes. Thank you for that.

The Council adjourned at 5.48 p.m.