Thursday 28 November 2019

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

QUESTION UPON NOTICE

The following answer was given to a question upon notice:

27 PALLIATIVE CARE - NORTH-WEST TASMANIA

Mr GAFFNEY asked the Leader of the Government in the Legislative Council, Mrs Hiscutt -

(1) As the Government made both a 2018 election commitment and that Building Your Future 2018 First Year Agenda referenced designated palliative care rooms to be developed at Mersey Hospital, when will this service be delivered so that the dying in the north-west can have the same access to palliative care as those in the north and south of the state currently have?

(2) Given that Palliative Care Australia minimum standards regarding designated palliative care beds per population recommends 6.7 beds per 100 000 people, and that the four beds promised at the Mersey Hospital will be short of attaining minimum standards, will the Government meet minimum standards by providing additional designated palliative care beds at the North West Regional Hospital? I note that the current multipurpose units at NWRH are not designated palliative care rooms and palliative care patients are not able to access these rooms when patients with non-palliative care needs are accessing them.

(3) Noting that funding for Palliative Care Tasmania is set to cease on 30 June 2020, and a commitment for funding past this date has not been received from the state Government (and that the services could not be provided within the public health system as cost-effectively or with as much community reach and access), will the Government provide a guaranteed commitment to enable PCT to continue its valuable work?

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I seek leave to have the answer tabled and incorporated into *Hansard*.

Ms FORREST (Murchison) - Mr President, question 5 has been on the Notice Paper since the beginning of August this year. Do you have the answer to that?

Mrs HISCUTT - It's not the one I have in front of me. The one I have relates to the employment statistics on gender pay gaps.

Ms Forrest - That's the one you answered on Tuesday.

Mrs HISCUTT - I apologise.

Leave granted.

The incorporated answer read as follows -

(1) I can confirm that the Hodgman majority Liberal Government is committed to delivering dedicated palliative care beds at the Mersey in line with our election policy.

We are continuing to make progress on the $35 million redevelopment of the Mersey, following the completion of the rehabilitation ward earlier this year.

The Department of Health advises that planning work for the Medical Ward, which contains the dedicated palliative care beds, is on track to commence in the first half of 2020.

The model of care will include beds with specialist 24-hour care, and will work closely with the community-based Specialist Palliative Care Service. These beds will be fully funded and staffed.

At present, palliative care patients receive high-quality care on the medical ward using existing infrastructure, including single rooms and the family lounge.

We are focused on ensuring Tasmanians have access to the best possible palliative care services and facilities, so that families and carers can receive the support they need, when they need it.

(2) Three beds are presently available on the medical ward at the NWRH to provide palliative care.

If these beds are occupied, patients will still receive the same level of care in alternative and appropriate single rooms, cared for by the acute medical team with in-reach from the Specialist Palliative Care Service.

This is in addition to the high-quality services that palliative care patients receive at the Mersey Community Hospital.

(3) PCT is a highly valued organisation that works closely with the Department of Health across the state. Funding for PCT has traditionally come through federal government sources. The Tasmanian Government has, wherever possible and appropriate to do so, supported PCT to secure federal funding.

The Hodgman majority Liberal Government has also provided significant support for a number of groups and organisations to deliver important community-based palliative and end-of-life care initiatives, including PCT.

This is evidenced by the more than $2 million in funds provided through the Department of Health to PCT for projects and initiatives that enhance education, capacity and capability within the palliative care sector in Tasmania.

The Government acknowledges and appreciates Palliative Care Tasmania's interest in certainty beyond the current agreement, and has strongly encouraged the organisation to take part in the Treasury Budget Community Consultation process which is currently underway.

The Government will continue to engage and support the important work of PCT where possible, to help ensure that people have the best possible quality care at end of life and to support their families and carers receive the support they need.

TABLED PAPER

Joint Standing Committee On Integrity - Annual Report 2019

Mr Dean presented the Joint Standing Committee On Integrity annual report for 2019.

Report received.

BURIAL AND CREMATION BILL 2019 (No. 42)

POISONS AMENDMENT BILL 2019 (No. 45)

PUBLIC SECTOR SUPERANNUATION REFORM AMENDMENT BILL 2019 (No. 41)

Third Reading

Bills read the third time.

DOG CONTROL AMENDMENT BILL 2019 (No. 43)

Second Reading

[11.13 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

The Tasmanian Government is taking action to protect our sensitive wildlife from the threat of dog attacks.

This bill specifically targets irresponsible dog owners. The new offence provisions and stronger penalties contained in the bill send a clear a message: if your dog injures or kills sensitive wildlife like little penguins, there will be serious consequences.

The Government has listened, both to the experts and to the broader community, in responding to the recent spate of dog attacks in little penguin rookeries.

This bill forms one part of the Government's broader response to the work of the expert Penguin Advisory Group, which recommended a review of penalties under legislation associated with dog attacks on wildlife.

We have also been directing significant resources towards research, education and mitigation to help enhance protections for little penguins.

Key initiatives include -

- working with Cradle Coast Natural Resource Management, in collaboration with key stakeholders, on a specific project to coordinate monitoring and management of penguins across the state;

- working with community and NRM groups to enhance penguin habitat through weed removal and the establishment of artificial nesting boxes on both reserved and private land;

- mitigation of roadkill through the installation of culverts and roadside exclusion fencing;

- installation of little penguin viewing platforms to manage visitor impacts; and

- deployment of Discovery Rangers over the summer months at popular little penguin colonies on reserve land to provide education services and protect birds.

This bill creates a new offence in the act where a dog injures or kills wildlife that is declared as 'sensitive' wildlife in locations specified as 'sensitive areas'. An offence committed under this new provision carries a fine of up to 30 penalty units - currently $5040.

Where an attack occurs, other penalties may also apply in addition to those under the new offence, depending on the circumstances. For instance, it is also an offence for a dog to be at large, and for an owner to allow a dog to enter a prohibited area containing sensitive habitat for native wildlife.

On top of this, the bill provides the court may order that the owner pay for the collection and analysis of DNA sample collection, as well as compensation for any damage caused or costs incurred as a result of the dog attack. The court may also order that the dog be destroyed.

The minister responsible for Part 4 of the Nature Conservation Act 2002 will specify by ministerial order the species and areas to which this new offence applies.

Initially, the order will capture little penguins in declared 'sensitive areas' known to be vulnerable to dog attack. The Government will take advice from the Penguin Advisory Group on the specific areas that should be included in the order.

The order can also be amended in the future to apply the offence to other species and/or locations.

This approach provides the Government with the flexibility to respond quickly to new or emerging threats to wildlife, without having to amend legislation or regulations.

The order will be made as soon as possible following enactment so the new offence and penalties are in place and operational ahead of the summer breeding season.

Supporting the new offence provision, the bill also doubles the penalty for having a dog in a prohibited area that contains sensitive habitat for native wildlife - with a fine of up to $3360.

The provision has been broadened to ensure it covers instances where a dog is at large and is found in a prohibited area, as well as where a dog is deliberately taken into these areas by its owner.

The penalty for a dog attack that causes serious injury to a person is also being increased, in response to stakeholder feedback that this should be set at least at the equivalent level to an attack on a sensitive species.

The bill makes some minor but important changes to streamline the process for the collection of samples from dogs. The changes will support investigation and enforcement in the event of an attack by reducing the risk of DNA degradation.

A police officer or a ranger will now be able to collect a sample from a dog without seeking the prior approval of the relevant council's general manager. This will allow authorised officers to act quickly to gather evidence to identify the dog involved in an attack. State Government veterinary surgeons will also be able to collect a sample from a dog without council approval.

The bill also makes some minor amendments in relation to greyhounds, which support the Government's efforts to increase the number of ex-racing greyhounds rehomed as pets.

Currently, councils cannot legally set aside public spaces for the off-leash exercise of greyhounds because of how 'effective control' is defined in the act. Greyhound advocates and some local councils have approached the Government asking we fix this situation.

The bill responds to these calls, and will give councils the option to allow for, and set conditions around, the exercise of greyhounds in declared exercise areas, in the same manner as all other dog breeds.

For example, a council might decide to provide a dedicated fenced exercise area for greyhounds only, or alternatively, set specific times for greyhounds at an existing exercise area.

As is the case now, councils will have the discretion to set their own policies and conditions for the off-leash exercise of greyhounds. There will be no express requirement for councils to establish designated greyhound off-leash exercise areas, or to allow existing dog exercise areas to be used by greyhounds at certain times.

As the declaration of an exercise area by a council is subject to public consultation under the act, dog owners and the broader community will have the chance to provide input around what might be appropriate areas and conditions for greyhound exercise.

Another minor change to the act will clarify that greyhounds are under effective control when off lead on any private premises, so long as they are securely confined to those premises.

These amendments build on changes made in 2017 that allow greyhounds that have been assessed through an approved suitability program to be muzzle-free while on a lead in a public place.

This Government takes attacks on our sensitive wildlife extremely seriously. The Tasmanian community rightly expects us to act to protect our little penguins and that is what we are doing.

The new offence and penalty provisions contained in this bill are targeted, proportional, and will better align with penalties under other wildlife protection legislation.

They will increase the overall effectiveness of the framework that seeks to protect Tasmania's wildlife, without imposing any additional burden on law-abiding dog owners or those authorities responsible for enforcing Tasmania's laws relating to dog management and the protection of wildlife.

Mr President, I commend the bill to the House.

[11.21 a.m.]

Ms FORREST (Murchison) - Mr President, I commend the Government for bringing this legislation forward in what is a fairly prompt manner, after an unfortunate number of attacks on little penguins. Some of these occurred in my electorate. In the most recent one a very large number of little penguins were killed or injured to the point that they died later.

When you talk to people in the community about this issue, people cannot understand how anyone could let their dog roam and be in a position to do that. Clearly, it happens, otherwise this bill would not be here.

I commend the Government for taking the concerns of the community seriously on this and acting promptly, because sometimes these things, as we know, take a long time to come through the process. This has been achieved quite quickly.

The provisions within the bill mostly relate to the penalties that can be applied for those sorts of offences, but also clarify some of those issues and make it easier perhaps for people who are authorised to deal with this situation to take DNA samples from dogs.

These penalties will be quite significant, and it is very important that we can be sure we have the right dog and thus the right owner who has allowed their dog to roam or to be in an area that is sensitive in terms of the wildlife in that area.

I know this is predominantly focused on the little penguins issue, but as a person who often walks on beaches round this beautiful state, I am very aware of a number of shore-nesting birds that also can be subject to dog attacks, such as hooded plovers and others - often those very tiny birds. Many of these are also at some level of threatened existence. It is important we consider that as well.

The mass deaths of little penguins has created a very clear focus on that, and rightly so, but we need to keep our eyes open to the other real challenges that unrestrained dogs on beaches that are not under the effective control of their owners can result in.

That comes down to the important issue of where dogs can be exercised on beaches. We are lucky to be on an island with so many accessible beaches where dogs can be exercised. It is very important for dogs to be able to exercise and socialise with other dogs, and also for some of the owners of the dogs. I have recently had representation in my office because there is a review of exercise areas for dogs underway at the Waratah-Wynyard Council. There have been some comments from other councils that we should have a statewide approach to this.

We did discuss that in the briefing. I understand that local governments know their areas best, and it is probably better to allow local governments to go through that community consultation process with their local community.

Talking to some of the people, they were concerned about what was being suggested as a change to the exercise areas for dogs. Wynyard being a lovely, flat location with lots of accessible pathways to the beach and along the foreshore, sometimes the only contact with other people some of our older members in the community get is when they are out with their dog. We need to remember that being able to socialise is important in the lives of these people. We must make sure we do not unnecessarily restrict that.

I also have had some bad experiences with dogs. My youngest daughter was terrified of dogs. I do not know whether something happened when she was not in my care that made her very, very, fearful. I recall vividly being out the back of our place in Burnie, which backed onto the Marist College oval, playing with the children, when over the bank came running a massive dog that stood high as my hip. My tiny daughter screamed and froze. The owner was not far behind. I yelled for her to call her dog back, the dog owner did not respond. My daughter was screaming. I yelled again for her to call the dog back. The dog owner said, 'It will not hurt her'. I yelled out that that was not the point, could she not see the child was terrified? Luckily I was able to scoop up my daughter and hold her. I berated the owner for not having the dog under effective control. It was a terrifying experience for me. More so for my daughter. That did not help her fear of dogs. It took a long time to get her to be anywhere near dogs. You do not need a physical injury. That is one thing in this legislation - you do not need a physical injury to have an injury.

We need to be very cautious about it. I have suffered two dog bites when doorknocking, and I do not go into yards with dogs. One was during my first campaign. The first one was in a small unit. It was a very elderly lady with a number of disabilities. She was basically blind. Her door was open and I knocked. She asked me in a feeble voice to come in. She was in bed, obviously unable to get out, and with significant visual impairment. She invited me over. I told her who I was and what I was doing. I did not notice the dog in the room. She thanked me for coming and I left. As I walked out the door, the dog ran from behind and bit me on the back of the leg. It did not even bark.

Mr Valentine - Did the dog vote for you?

Ms FORREST - I do not even know whether she was in a position where she could have voted.

Ms Armitage - That is very interesting; we used to have a farm dog that would let people in, but it would not let them out.

Ms FORREST - That is why you do not go in the yard with them. This was not her fault. The dog was being particularly protective of its owner.

Ms Armitage - It should not have let you close to her.

Ms FORREST - The dog was on a really long lead because she could not get it back if it went off. She did not warn me to be careful of the dog.

The other bite was much worse. I ended up at the doctor having a tetanus update and all the sort of stuff you need to do. It was only a small dog so it was a nip, but it did break the skin on my calf. Last year, when I was out doorknocking - again not going into a yard - I went up the driveway of a house, there was no fencing, nothing to indicate there was a dog there on the property at all. The front door was right at the front of the house, as you would expect and the car was in the carport. I knocked on the door. The door was opened but the screen door was closed. Before the owner

came to the door, I felt this thing brush against my leg. I looked down, there was a really big Alsatian. I say 'really big' because it was again up to my hip. I looked down and it was standing right beside me, brushing against my leg. I thought, 'That is a big dog.'

The owner came to the door fairly promptly. I said, 'Hi, I am Ruth Forrest, I am doorknocking with your dog. Like, you might like to move the dog.' The owner was quite friendly, and chatted away. He said, 'The dog will not hurt you.' We chatted away quite happily. There was no 'What are you doing here?' sort of stuff. He was very welcoming, he opened the screen door and came and stood right beside me to talk.

Then I handed him a flyer. As I handed him the flyer the dog just bit my arm, latched on. Thankfully it bit and released; it did not hang on and continue. But it caused significant injury in that I had a deep puncture wound on the top part of my arm and a deep puncture wound on the underside. It had bitten down to the bone. I do not have a lot of fat on my arm and it hurt - it hurt like I could not describe. I just looked at it: there was this big hole in my arm, which did not bleed initially because the compression of the bite was such that it stopped the bleeding for about 30 seconds maybe, then the blood started trickling down my arm. I was in shock at that point because it hurt so much. The owner then responded and moved the dog.

Mr Gaffney - Checked his teeth.

Ms FORREST - It clearly had teeth before the bite; I am not sure afterwards. His wife was inside, and she came and took me inside to cleanse the wound. By this time, I am shaking because it hurt so much; it was such a shock it had occurred. Anyway, I had to have some assistance to get down to the hospital. I spent all afternoon in the accident and emergency department of the North West Regional Hospital, which was a good experience, because they were not very busy at the time. But I had to have it irrigated, which was more painful than childbirth. In fact, Tim, a very lovely nurse, insisted the doctor give me some nitrous oxide to assist with the procedure because I could not bear it any longer. That is how painful it was. I had to go and have it x-rayed, then I had to be on antibiotics for two weeks, very strong antibiotics because of the risk of infection with such a deep puncture wound.

There was no indication there was a dog in the yard. It is a breed used by police. My son said it could have been an ex-police dog because that is what they are trained to do. The member for Windermere would probably be able to verify this, but they are trained to bite and release.

Mr Dean - Police dogs are taught to control hold.

Ms FORREST - Yes, which is essentially what it was in that type of bite. Anyway, the owner said he was quite an old dog. Obviously, for some reason he was startled, but there was no threat to his owner, because his owner was very happy talking to me. There was no animosity. You just never know. If I had been a child or had a child with me, my arm was here, but what is right there on a child? Their face. You can never be too careful.

The messages need to be out there that dogs are dogs. We need to make people aware they need to have their dog under effective control. I have dealt with constituents who have had issues with dogs attacking other dogs, owners getting caught up in the middle and being injured as well. There are issues. One way to deal with that is to allow dogs to socialise with other dogs and owners to be fully aware of their responsibilities in keeping their dog under effective control.

This bill picks up on a number of these things, including causing serious injury to a person. I understand the definition of serious injury. What I suffered was a serious injury. That person could have received a much higher penalty had I taken it any further.

The other matter relating to greyhounds has been something I have had representation on as well, on rehomed greyhounds. We have gone from initially full control with muzzles and leashes everywhere to a slightly more relaxed approach now. Because greyhounds are a different breed of dog and we were told in the briefing they can run up to 60 kilometres an hour - that is pretty fast and apparently they can also run into things like fences and injure themselves, so there needs to be some particular consideration given to greyhounds.

Having talked to greyhound owners, particularly the rehomed greyhounds, these dogs are often very timid and frightened when they get out into the normal world. They often take a bit of socialising to enable them to socialise as 'normal' dogs do.

The greyhound owners I am aware of I am sure will be very happy to see these changes made; it makes it much more realistic and practical for them and it treats the greyhounds with respect.

Going back to the issues of declaring the areas that should be done by order -

> The minister responsible for Part 4 of the Nature Conservation Act 2002 will specify by ministerial order the species and areas to which this new offence applies.

This relates to preventing attacks on little penguins. It is always a bit of a concern with a ministerial order being used for particular things, particularly when it is going to create a restriction somewhere because there is no parliamentary scrutiny of the order.

The Leader said in her second reading speech and we were advised in the briefing that the Government will take advice from the Penguin Advisory Group on the specific areas that should be included in the order. That is very important, but I think there should also be consultation with the local community who know and use this area, and probably the local council as well, to be sure that the area is as people think. You could have some people who think, 'Let's extend it right across this area, we don't want dogs here at all.' Some people do not like dogs and they would rather not see them on beaches at all.

We need to make sure that the ministerial order is fit for purpose and that it does protect the areas where our little penguins are but also other nesting shorebirds that can be at risk from dogs. It needs to be done in a consultative manner, particularly as there is no parliamentary scrutiny of that order.

I would like the Leader to address that in her reply in terms of the consultation that will occur on that. We know the Penguin Advisory Group - which is made up of people interested in penguins as opposed to coming from Penguin - will be consulted.

Mrs Hiscutt - This place as well.

Ms FORREST - Yes. It is important that the local community where that order will apply also has some consultation in the process. It does not mean they have to be agreed with necessarily, but there should be some consultation. Otherwise, we are going to find that some of our offices

will start getting representations about the overreach of the order if there is not some local engagement in that. Your advisers were listening to the question.

I again commend the Government for bringing forward this legislation promptly to deal with this very real issue and get the legislation in place before the breeding season for our little penguins gets underway, which obviously makes them much more vulnerable.

I would like the Leader to provide some information on the issue with local governments when they are making decisions about their dog management policies. They might not trigger a wholesale review of the council's policy. They may still decide to do some public consultation, but if it is not a full review they do not have to go through the full consultation process. Is there any consideration to developing some guidelines around this? We need to have local specific mechanisms. The local government area know their local government area best. We did discuss this in the briefing. I would like the Leader to provide some comment and feedback regarding whether they think guidelines would be helpful in directing that.

I ask that particularly because there has been a degree of angst in the Waratah-Wynyard area with the current process at the moment, including public consultation. In the absence of any guidelines it makes it more difficult for the members of the public to know what they can reasonably expect to be considered in determining these dog exercise areas or no-go zones or on-leash areas only.

Mr Gaffney - Particularly in response to how greyhounds may interact with other dogs while they are exercising free. Other dog owners need to be aware the greyhound is going to run, and whether it will scare the other dogs or whatever.

Ms FORREST - Some guidelines around some of that would actually help local governments in framing up even the documents they put out for public consultation. It also helps to narrow down the submissions a council can get. They need to reflect the guidelines. Anything way outside that, the council could say, 'Look, that is so far outside the guidelines, we are not going there'.

It would help give some guidance, continuity and consistency across the state, but still allow room for individual councils, who know their areas best, to manage that. I support the legislation.

[11.41 a.m.]

Mr VALENTINE (Hobart) - Mr President, just about everybody in the community will understand the reasons behind these amendments coming forward. It is always sad to hear of one or two penguins being the victims of dog attacks, but when you have the numbers we are talking about and have witnessed over the last year or so, something had to be done.

I congratulate the Government for bringing this bill forward. I broadly support the bill. It is an important bill. It is not just fairy penguins that can be an issue. Under the Nature Conservation Act 2002 definition of sensitive wildlife, or at least the species in that, the minister has the power to set what those particular species are. I encourage the minister to consider a lot of shorebirds exist on our beaches.

I have had dogs. We all like to run our dogs along an open beach. There is no question about it, they thoroughly enjoy it. It is good exercise. It is good for the mental health of the dog and the like. But the last thing we want to see is wildlife, and birds in particular in this case, in the zone between the scrub and the beach, where a lot of eggs are. You see dogs quite often wandering up

into those areas when you are walking along the beach yourself. It is a concern they might be getting not only fairy penguins, but also shorebirds.

While this is particularly being put in place for fairy penguins, and rightly so, I encourage the Government to think about other aspects. I frequent Marion Bay beach regularly - we have a shack down that way. There are signs that say dog walking areas are from point A to point B. People regularly disobey those signs. Their dogs are going up into the area I am talking about, between the scrub and the beach, and obviously would be having an impact on shorebirds. It is incumbent on all dog owners to be reasonable about obeying the signs. They are there for a reason. We need to encourage the public to obey those signs - it is so important.

I support the bill and will be happy to see that sensitive wildlife list contain some of the other aspects. It is not endangered species we are talking about; we are talking about hooded plovers and the like, which we know nest in those areas. We need to be cognisant of them.

The other thing is about greyhounds, confining them and how they are kept. Maybe there is cause to look at how dogs are actually kept in private residences because there are some instances, and people have written to me - I think this person lives in the member for Elwick's electorate - about how this dog is being confined to a cage and how inappropriate it is. It impacts on the way the dog behaves in public because it tends to make it angry. It can really affect dogs and their general behaviour when they are in the public domain.

More attention needs to go into the Dog Control Act, and perhaps that is for another day because it is not in the confines of what this bill is about. There is an opportunity there to revisit some aspects of how dogs are housed at home. I support the bill.

[11.46 a.m.]

Mr DEAN (Windermere) - Mr President, I certainly support this bill. I thank members of the department for that briefing yesterday. The department provided slides and handouts which really explained it well; it covered all the points well, including many of the issues members of the public ask us about.

I think I commented previously that it is a pity the document is not tabled and attached to the legislation for people to look at because it explains it very well. I thank the department for the way that has been done; it was well done.

Dogs are great family pets and they do wonders for people. They become a person's companion in many instances. Look at particularly older people, who have nothing else in their family and their life other than a dog.

Mr Valentine - Essential for mental health, isn't it?

Mr DEAN - Yes. I have been to places where some of these dogs are almost human in what they do and their understanding. I rang my wife last night about my dog and she said, 'He's where he always is when you're not here; he's there sitting at the front gate with his nose under the gate'. He just sits there - it is amazing; Alfie almost talks.

Ms Armitage - Does he bite?

Mr DEAN - No, he does not bite. He is very old now, he cannot see, cannot hear - all those things - but he is a wonderful pet.

This legislation is important. I take it the Leader will want to move its third reading today if it gets through; I am pretty confident it will. I ask members to support the bill's third reading because it is important, and we need to get it out there. If it does not go through the third reading today - if it gets up, and I am considerably confident it will do - it will sit around until March next year. I hope the Leader is doing that, and I guess she will be.

These attacks, sadly and unfortunately, have occurred in my electorate in the Low Head area. Not only has there been only one attack there, there have been several attacks in that area. Where do our fairy penguins or little penguins - I think they are known by both names - sit by way of numbers in this state? I take it they are not endangered or a threatened species in a way, but roughly what are the fairy penguin numbers in the state?

Low Head is an important area. Part of a business, Low Head Penguin Tours, is built on these fairy penguins at Low Head. Many people watch these very small penguins waddle up the beach and into their nests. It is sad my area has copped a lot of it.

This legislation is not before time, because our fairy penguins will be wiped out if we do not do something about it. While it is good to see penalties being increased, penalty increases will not fix this problem because many of dog owners are, unfortunately, irresponsible. Often their dogs are not registered or microchipped. There is no way they can be identified other than if an owner accepts the dog belongs to them.

Even if the dog is caught roaming in the area of little penguins, identification will be unlikely and therefore no fine imposed. People with registered and microchipped dogs are mostly responsible dog owners. They keep their dogs on their properties, especially of an evening. They are not the problem. It is the other dogs we need to be careful of.

Penalties are a deterrent, but they are only a deterrent if people know about them. It is important that the penalty, and the increases in penalties, are well publicised and that people know what is likely to happen if their dog roams and causes injury and death to these penguins.

When I drive around at night I see roaming dogs. Who polices these things at night? Not the council. Council rarely works at night. When people ring me at night with a complaint about roaming or barking dogs, I tell them the only people who work after closing time are the police, so call the police. Unfortunately, the police have too many other things to do than chase dogs.

We need to get the policing right at these rookery areas. In the past 18 months, 220 penguins have been killed.

Mr Valentine - That is ridiculous.

Mr DEAN - It is. It is ridiculous - 220. There ought to be policing of these rookeries.

Ms Forrest - Who is going to do it? That is the problem.

Mr DEAN - The police are not going to do it, because the police do not have the time. We should concentrate on these rookery areas, to pick up some of the dogs that are behaving in this way.

It is important to identify the dogs. Heavy fines apply. It is about $5040, which is great, but we need to let people know that is what will happen. The dog will probably be put down as well.

Not long ago Reynard the fox was being accused of these fairy penguins kills. I am very pleased that madness has stopped and that dogs are held responsible. We know it is dogs. It is pleasing to see some of that madness finish. The order identified declared sensitive areas. In my opinion there are not too many areas in the state that are not sensitive to some endangered Tasmanian species. The order is not specifically for little penguins, as has been discussed and raised by other members. Injuries to a person have been canvased by members, and penalties will be increased to come in line with the injury to an animal, which is good.

The member for Murchison referred to some dog attacks and that shows how important it is to get this legislation right and protect people. I am not going to go into detail, but during my campaigning I had two fairly bad dog attacks. I had a dog maul my hand; Dr Franklin Bell was able to come to my aid. My hand was in a mess, blood all over the place - it did not hurt much and I did not feel it; I do not know why. Dr Bell stitched it up, gave me a tetanus injection and sent me on my way. There were no signs at this place to say there were dangerous dogs or dogs that were likely to bite or whatever. No sign at all, or I would not have entered. I walked in through the gate and the two dogs attacked me. Another time I was walking up a laneway and this little mongrel dog came up behind me and bit me on the calf of my leg.

Ms Forrest - Same as what happened to me.

Mr DEAN - I stuck the boot into this little dog and it went up in the air about 2 metres as a lady walked around the corner. I just went 'Nice little doggy, nice little doggy'. I thought I would not get her vote if I said the dog was an ordinary dog and it needed some training or discipline.

I had a worse event, a family dog which was almost human - like most of my dogs - and it was killed and mauled by an Alsatian dog. My family and boys were absolutely distraught and can recall to this day crying and crying. I was almost doing the same thing. But this Alsatian killed my dog Ella, a beautiful Sheltie, within seconds.

Dog attacks occur, and the legislation needs to be right and in place to ensure we catch offenders and get the message through to people. I will certainly support the legislation; it is good legislation.

A couple of points came out during the briefing and the Leader may put these on the *Hansard.* The answer provided in the handout identified that, depending on circumstances, multiple offence provisions may apply in relation to a single dog attack incident. When there are little penguin kills where 30 or 40 penguins are killed, could 30 to 40 separate charges be laid in those instances? Can that be covered to identify that it is not just the other offences such as if it is an unregistered dog, a dog at large and all the rest, but whether independent charges can be taken against the dog for each killing?

Mrs Hiscutt - To clarify, instead of one mass kill for 10 penguins, you want to know whether there will be 10 charges of one penguin?

Mr DEAN - Yes, some clarity around that point. It is good to see DNA information being included and used for identification of the dogs. I am not sure how long it takes to have a DNA test done in these circumstances. Even with police matters, it can take time to get results. Can I be given some indication of what emphasis will be placed on this? It is all very well to have this testing provided for and covered in the legislation, but if it is going to take 12 months or two years to get results, it is pointless. Is there is any indication of the time it takes for DNA testing? Departmental officers may not be able to provide that because it involves another department and organisation, so I am not too sure where that can go.

During the briefing I also raised a matter in relation to serious injury. Clause 6, proposed section 19 clarifies that evidence of injury is required in relation to an offence for a dog attack causing serious injury, but not for other offences. I asked: what is a serious injury? For instance, the second dog attack left me with marks on my calf but did not actually puncture the skin.

Ms Forrest - You were less injured than me.

Mr DEAN - I was a bit better off than you. They tore the back out of my trousers, but it did not break the skin; it left bruising. Is that classified as a serious injury in these circumstances? Does that fit the criteria in the legislation?

Mr Gaffney - I thought we heard in the briefing it was if it broke the skin. Sometimes, if you are walking down the street and you have a chihuahua chomping at your ankle, it is not going to do a lot - they are vicious little dogs, but - I think they said if it broke the skin.

Mr DEAN - I understood from the briefing that if a dog bites you, that would be a serious injury. In other words, if a dog is harassing you, barking at you, threatening and so on, that does not fit in here somewhere.

Ms Forrest - I think it does. You do not have to have a physical injury. Like the big dog running at my daughter, that could be an injury - being threatening or a menace.

Mr DEAN - That could be an injury. Bruising on the calf, as I had, I guess is a physical injury.

Mrs Hiscutt - We will clarify that.

Mr DEAN - I would appreciate some explanation on that.

Mr Gaffney - It also depends where it happens. If you walk onto somebody's property, that's saying to the dog, 'Sic that! Get rid of him!'

Mr DEAN - I was; I was on another property in both instances.

Having said that, I support the legislation. It is good legislation. I thank the Government for bringing it forward as quickly as it has in the circumstances. I look forward to it working and some policing of it. I look forward to the penalties being publicised, to the best of the Government's and the department's ability, to get the message out there.

[12.02 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I note this bill has primarily come about as an urgent review because of the dog attacks on the wildlife, particularly our little penguins. It is hoped

that the increase in penalties will have the hoped-for result, as these small penguins have little hope of survival against dog attacks.

I think the member for Windermere mentioned it is important that people and dog owners are aware of the changes in the bill, and that it should be widely publicised. There is always a cost to publicity, but what is the cost to our penguins and wildlife? If people know about it, they may take some action and make some changes.

Mass killing of little penguins is obviously the main focus here. It is good to see in the bill also that a police officer, ranger or state government veterinary surgeon can collect a sample from a dog without having to seek prior approval of the relevant council's general manager. It really is important that things are sped up and nothing is delayed by having to wait for a general manager, depending on when it is and the time it might occur.

Obviously the bill will have little or no impact on law-abiding dog owners. I am sure as with little Alfie, the member for Windermere's dog sitting inside, people who keep their dogs contained and do the right thing really have nothing to fear from the bill at all.

There are always times when a dog gets out by accident, with dog owners doing all they can to keep their dog contained. I notice the bill broadens the application of the offence and that it covers instances where a dog is at large, as well as where a dog is deliberately taken into such areas by the owner. That is where it is very important that publicity is put out about the changes, particularly to the fines.

This bill covers a number of areas, including serious injury to people. As we have been told, many people, when they see a dog, they automatically put out their hand to pat a dog, going straight over a dog's face. I have been told it is one of the worst things you can do. It is very frightening for a dog.

Mr Valentine - Challenging to the dog.

Ms ARMITAGE - It is. You could only imagine if you are that dog and there is someone standing in front of you who puts their hand straight over your face. It can make a dog react. Often dogs will bite because they are afraid. I have been told if you are going to pat a dog, you should always let it smell your hand first in a friendly offer, as opposed to being aggressive. We do not know what a dog is thinking. Any dog can bite, particularly if they are afraid. I was bitten years ago when I was leaving a property, a bit like the other member. An Alsatian that was restrained jumped up and bit me on the back. While it was not major, it broke the skin, which meant I had to have my tetanus injection updated. That was inconvenient.

Ms Forrest - That was all I needed for the first dog bite. For the second one I needed more intensive treatment.

Ms ARMITAGE - I was fortunate. If the dog had not been restrained, I am sure it would have bitten me more severely.

Ms Forrest - It is an occupational hazard.

Ms ARMITAGE - It definitely is. People forget that we should get danger money. When they are tied up, you think you are safe but those chains can go a long way.

In the bill there are also changes to greyhound control. As we were told, greyhounds almost exclusively are bred for racing. Most have been exposed to racing training with a natural instinct to chase. They are obviously not trained to have recall because of the training they received in the racing industry. The bill removes as much as possible those elements of the act that reflect greyhounds as dangerous dogs. I have met many greyhounds and without exception, I have not come across one that is aggressive. They have all been extremely friendly.

Mr Dean - I have not met any aggressive ones either.

Ms ARMITAGE - No. They are beautiful dogs. They are friendly and gentle. They look like they sleep half the time. When you talk to the owners, they say they are very lazy dogs, considering the lifestyle they have come from. They are beautiful dogs. It is really good to see the changes in the bill.

There are significant changes on how greyhounds are exercised and treated. It is important to remove the stigma associated with the breed. If it can be shown they are safe around other animals, they should be treated in the same way as other dogs. Any dog can be dangerous. On many occasions greyhounds are unfairly labelled.

I make mention of Rosalie Saville. Rosalie has been fighting tirelessly to show the community what beautiful and calm pets greyhounds can be.

This bill allows councils to lawfully provide off-leash areas for greyhounds under effective control. This may not be possible for all councils but it does give the option. Hopefully most councils will have somewhere for this.

More retired greyhounds are going into the community and they need areas where they can have a run. We have been told that some of the conditions imposed in this bill are to protect the animals. As was said, they can run into fences and they can run awfully fast considering their size - 60 kilometres per hour. I had never realised how big a greyhound was until I visited the property of a friend who bred greyhounds.

I had only seen them occasionally, at a racing meet on the television or something that might be on, and I was shocked to see their size. One hitting a fence when running at 60 kilometres per hour could do terrible damage to itself. I understand some conditions are imposed to protect the animal.

I agree with the member for Windermere that the bill should be dealt with on the third reading today. I do not see anything in the bill that could cause anyone any concern. Otherwise we will need to wait until we come back in March. There are lot of benefits to dealing with the bill sooner rather than later, particularly regarding fairy penguins and our other small penguins and wildlife.

I support the bill. I thank the department very much, as other members have said, for the handout and the briefings, which were very good. Thank you.

[12.09 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members very much for their contributions. The legislation seems to have raised a plethora of answers to clarify a lot of stuff. I will start to work my way through it to clarify matters.

For the member for Murchison, in relation to consultation with other groups, feedback from consultation on the amendment bill has indicated the public is supports the proposal to declare little penguins as sensitive wildlife. The Minister for Primary Industries and Water is taking advice from the Tasmanian Penguin Advisory Group and will, with DPIPWE, examine means of taking advice on additional species from other groups on any additions to the order.

Ms Forrest - And the councils in terms of the actual areas. Are they going to talk to the local councils?

Mrs HISCUTT - We as going to talk to councils that have those sensitive areas within their municipalities. The members for Murchison and Hobart talked about other birds. At this time, the minister responsible for Part 4 of the Nature Conservation Act 2000 will list Little Penguins in the order as specified sensitive species. Areas where attacks on little penguins have occurred over the last 18 months will be declared sensitive. Advice on the need to declare additional areas is being sought from the Tasmanian Penguin Advisory Group.

The flexibility of the orders means the Minister for Primary Industries and Water can add other species and relevant areas as needed and as advice is received and assessed.

The member for Murchison also asked about the guidelines for councils on which areas be declared as exercise areas, as restricted areas and as a prohibited area. There is a bit more information about on that. The state position on these decisions is they are matters for the council balancing the needs of dog owners and the potential impact of dogs on public amenities and/or environmental values in the local communities. However, the legislation sets out mandated consultation and review processes for declaring the areas.

Section 24 of the principal act provides if a council wants to restrict dogs from a new area, it needs to provide public notification of the intention and invite submissions from the public, which will need to be considered before declaring restricted areas. Section 26 provides a requirement if an area is declared restricted, the declaration must be reviewed every five years by the council and the public must be notified so submissions can be provided as part of the review.

There is nothing to preclude the local government sector from working collaboratively on best practice considerations in determining exercise areas, as they indeed do with the numerous other responsibilities and activities they administer.

The member for Windermere - in response to his question about penguin numbers, Tasmania is the stronghold for little penguins in Australia, with an estimated 100 000 to 200 000 breeding pairs spread across over 100 different colonies around the state. The vast majority of them are on offshore islands. It is very hard to put an exact number, but could be up to 200 000.

I have some information here regarding the principal act and just what a dog attack is. The dog attack is fairly defined in the principal act. Section 19 of the principal act talks about dogs attacking persons or animals -

> (1) If a dog that is not under the effective control of a person on private premises, or that is not under the effective control of a person in a public place, rushes at or chases any person, the owner of the dog is guilty of an offence.
>
> Penalty: Fine not exceeding 5 penalty units.

(2) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any person or animal and the injuries caused by the dog to the person or animal are not in the nature of a serious injury, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 10 penalty units.

In the principal act, Part 1 - Preliminary, section 3, Interpretation defines 'attack' as meaning 'bite, menace or harass'. It does not have to cause a serious injury to be an offence under that section. Also, the principal act describes a serious injury, which means -

(a) an injury requiring medical or veterinary attention in the nature of –

(i) a broken bone; or
(ii) a laceration; or
(iii) a partial or total loss of sensation or function in a part of the body; or

(b) an injury requiring medical or cosmetic surgery;

I think that covers all the issues we were concerned about.

The member for Windermere also had a couple of other questions. He talked about multiple deaths. Yes, multiple deaths can be prosecuted separately, but it is a matter for the prosecutor to determine how the prosecution will proceed.

He also asked about DNA testing. The speed with which DNA testing can occur does depend on available facilities. We are fortunate to have these facilities in Tasmania. The testing technology is changing very quickly, resulting in faster testing times and results being available more rapidly. We can be confident that testing to determine if a dog has been involved in an attack can occur within a time frame that does not jeopardise the investigation.

Members, we can all share dog stories, but going back to the cattle dog I was talking about, I did not want to do it via interjection. When poor old Boofler, who was a big Smithfield dog, passed away, some of the people who used to visit us sent a sympathy card. He was the best cattle dog ever. On the sympathy card, and I cannot remember the exact words, it said something like 'We know your grief is so profound, but at least we come in now with our feet on the ground'. We all have these stories to tell.

That sums it up. I hope members are satisfied with the answers and that this will bring the bill to the second reading stage. The handout was very helpful and I thank our advisers, Luke, Andrew and Mel for that, and particularly the advice that came in on this subject from Vader.

Bill read the second time.

DOG CONTROL AMENDMENT BILL 2019 (No. 43)

In Committee

Clauses 1 to 7 agreed to.

Clause 8 -
Sections 19AB and 19AC inserted

Mr DEAN - Madam Chair, I have a question about reasonable costs incurred as a result of dog attacks, where tests need to be done and so on, to prove the dog was involved in that attack. It refers here that those reasonable costs can be incurred against that owner. Where a dog is believed to have been involved in an attack, would the DNA tests to prove it was that dog be at a reasonable cost? The owner might say, 'Well, if they had asked me, I would have said it was my dog involved'. In his opinion, those costs would not be seen as reasonable. To call in a vet, take samples and have them analysed would cost a lot of money. On top of that, there are the other costs the owner of the dog should be responsible for if the dog has attacked someone or something. I am not defending them.

Mrs HISCUTT - We will be seeking more information in moment. Reasonable costs are usually determined by the court. DNA laboratories often send testing kits free of charge. The initial cost for the collection analysis of samples will be incurred by the authority investigating the attack. The bill does, however, include an amendment to enable the court to order the payment of costs from the owner of the dog that has been found guilty of an offence. This includes the collection and analysis of a sample from a dog. Very few people would admit their dog was involved in an attack. Normally you have the dog with feathers around its mouth and the owner is saying, 'No, it was not my dog'.

Clause 8 agreed to.

Clauses 9 to 12 agreed to.

Clause 11 -
Section 22 amended (Prohibited areas)

Ms SIEJKA - Madam Chair, I raised this in the briefing but I want to put it on record because I have had quite a few representations regarding assistance animals in particular. What consideration has been given to assistance animals in this amendment to the Dog Control Act 2000? I know there were things from particular submissions. What is the plan for that area?

Mrs HISCUTT - In Tasmania both the Guide Dogs and Hearing Dogs Act 1967 and the Dog Control Act 2000 contain provisions relating to guide or hearing dogs. Currently these acts do not cover companion or assistance animals. However, the Australian Government's Disability Discrimination Act 1992 applies in Tasmania, which does cover assistance animals.

I am advised the Tasmanian Government is currently actively participating in a national working group through the Department of Communities Tasmania. The working group is focused on achieving a nationally consistent approach towards assistance dogs in order to alleviate the barriers around training, recognition, accreditation, identification and travelling between jurisdictions. A nationally consistent approach will reduce confusion regarding regulations and allow for consistent messaging and training in relation to assistance animals. Therefore, if it is considered necessary to incorporate assistance dogs in Tasmanian legislation, it will be more appropriate to take a holistic approach to amending the legislative framework pursuant to the national effort rather than taking an ad hoc approach within the Dog Control Act at this point.

Mr DEAN - I thank the member for Pembroke for raising this clause. This was discussed during the briefing yesterday, about prohibited areas. Information was given that they will be clearly signposted. How is that going to happen? I am not too sure because damage happens to signposting, particularly in these areas. It could be difficult if an owner takes the dog to a prohibited area that is not clearly signposted. People travel a lot with their dogs. A person could go to Low Head and not realise they are in the penguin colony unless it is clearly signposted with something clearly saying this is a prohibited area for dog access et cetera, because it is a little penguin colony or whatever.

Will it be clear that is the case and a requirement of any charge taken against a person in this instance? There needs to be some protection for them. They need to know. Putting it on the website or on other things is not good enough. We know many people do not access those websites. I could, with my small dog, go to one of these areas. I may not know it is a colony or a prohibited area and have my dog on that site, unless it is clearly signposted. Could the Leader provide an answer that clarifies that point?

Mrs HISCUTT - Yes, they certainly will be. In the principal act, section 27, Signs, says -

> A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

It is already in the act.

Mr Dean - The sign has to be there?

Mrs HISCUTT - It is already there in legislation. Thank you.

Clause 11 agreed to.

Clauses 12 and 13 agreed to and bill taken through the remainder of the Committee stage.

DOG CONTROL AMENDMENT BILL 2019 (No. 43)

Suspension of Standing Order 279

[12.28 p.m.]

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

> That standing order 279 be suspended to enable the bill to now be read the third time.

Mr President, this motion has been in line with past practices, but it is important the bill passes the parliament this year so it may receive royal assent ahead of the summer breeding season for little penguins. The ministerial order giving effect to the new offence provisions relating to attacks on little penguins cannot be made until the bill receives royal assent.

There is a strong community support for these changes being brought in as soon as possible, as demonstrated through the public process. Mr President, I ask for that to happen.

[12.30 p.m.]

Ms FORREST (Murchison) - Mr President, true to my consistent approach, I consider this request in light of the urgency of the matter. I note the Leader's comments around the breeding season of little penguins. I have done some research and I will share some of that with members. The breeding season is what we need to be most conscious of because that is when the little penguins are most at risk. I want to read a bit out from the information I have gleaned -

> Little penguins are diurnal and like many penguin species, spend the largest part of their day swimming and foraging at sea. During the breeding and chick-rearing seasons, little penguins leave their nest at sunrise, forage for food throughout the day and return to their nests just after dusk. Thus, sunlight, moonlight and artificial lights can affect the behaviour of attendance to the colony.

It goes on to talk about other things that can impact them. It then goes on -

> They are generally inshore feeders. The use of data loggers has provided information of the diving behaviour of little penguins.

The important part is regarding their breeding -

> Little penguins can breed as isolated pairs, in colonies, or semi-colonially. Nests are situated close to the sea in burrows excavated by the birds or other species, or in caves, rock crevices, under logs or in or under a variety of man-made structures including nest boxes, pipes, stacks of wood or timber, and buildings. They are monogamous within a breeding season, and share incubating and chick-rearing duties.

Both the male and female are involved with the raising of chicks, so both are at risk as a result of that - which is a really good model, I might say, Mr President, where the fathers take a very active role in raising their little chicks. The timing of the breeding season varies across the species' range. I understand that in Tasmania we are in the breeding season now -

> Little penguins typically return to their colonies to feed their chicks at dusk. The birds tend to come ashore in small groups to provide some defence against predators, which might pick off individuals one by one.

The bit I was looking for is this -

> On Australia's east coast chicks are raised from August through to March.

This is why there is an urgency about this. We are in the breeding season at the moment. The little chicks are being raised; both the male and the female penguins are out performing their parental duties and looking after the chicks. For that reason, I will not oppose the suspension of Standing Orders to proceed with this because of the urgency of the nature of protecting little penguins during the breeding season.

I wanted to put that on the record, Mr President, because I do take things case by case. When there is an urgent need I will support it, and because of the timing of the year, I was surprised we did not deal with this yesterday. We finished at 5.00 p.m. and I thought we might have pushed on

to this because of that. I understand the Leader was not feeling 100 per cent too, with her cough and everything.

Mrs Hiscutt - It has been the practice over the past three or four years to do the third readings on this day.

Ms FORREST - Yes, that has always been put up. I will always oppose a suspension of Standing Orders to progress if there is not a demonstrated need to get it done. There is a demonstrated need here because we are in the middle of the breeding season and the little chicks and their parents are all more vulnerable at this time, and will remain so until March next year.

[12.34 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I understand what the member is saying about suspension of Standing Orders to pass the bill. It is not so much about protecting the little penguins because all we are doing here is increasing the fine. The protection of the little penguins is going to happen anyway. What I am saying is that perhaps this is more akin to the greyhound issue, where councils are out there now trying to find designated areas for the greyhounds. They are having that conversation and they need to be able to do that straightaway.

Regardless of whether we increase the fine or not, the little penguins are still at the mercy of dog owners. In light of that we should pass this one, get it out there so councils and the community can understand and people who have a dog close to these sensitive areas are encouraged to make sure they supervise their dogs a lot better than some have in the past. While I hear what the member is saying, it will not make the protection of little penguins any better, unless people take it on board.

[12.35 p.m.]

Mr DEAN (Windermere) - Mr President, I have an opposing position because increasing the penalties - provided it is publicised and made clear out there - will have an impact on protecting the little penguins. I respect the member's position on it. Penalties are a deterrent, but they have to be known, as I said in my second reading contribution. I urged in that reading the bill be moved for the third time and the motion be brought forward. We will get unanimous support. If we did not do it, the public could and would likely, if they were aware of this process, lay some blame at our feet if this legislation sat idle until March of next year. I agree with the member for Murchison, there is an urgency in this case for this legislation to go through and I will be supporting the motion.

Motion agreed to.

Standing order suspended.

DOG CONTROL AMENDMENT BILL 2019 (No. 43)

Third Reading

Bill read the third time.

PLACE NAMES BILL 2019 (No. 38)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

Mr President, I am pleased to bring this bill to the House as the Government continues to implement its legislative agenda.

Place names are vitally important reference points for all members of society. From natural features such as rivers and mountains, to localities, streets and reserves, place names are the most common way people identify geographical locations, and they are fundamental to property addressing, emergency services activities and of course cartographic and navigation products.

The Government recognises place names were in existence prior to European settlement, and that Aboriginal people used place names to identify geographic features and places and continue to do so.

This bill provides for the repeal of outmoded clauses pertaining to nomenclature in the Survey Co-ordination Act 1944, and the establishment of a new place names act 2019 to introduce contemporary place-naming processes.

While the existence and use of place names is taken for granted in everyday life, the importance of rigorous processes for assigning appropriate and authoritative names to natural and man-made features generally goes unnoticed.

Tasmania's current system for the official naming of places was established more than 65 years ago, in a period when coordination of naming activities between the major mapping agencies was required. While minor amendments have been made to the Survey Co-ordination Act 1944 over the years, those provisions remain largely unchanged and do not provide for contemporary digital data management, different administrative arrangements, and community expectations with respect to consultation and representation.

Prior to preparation of the bill, two rounds of community and stakeholder consultation were undertaken, with strong support exhibited for the proposed changes. The draft bill has also been circulated to stakeholders and additional personal briefings were arranged to ensure proper understanding of the new provisions.

The bill provides for a number of key elements.

The first is the replacement of the Nomenclature Board with a new ministerially appointed place names advisory panel chaired by the Surveyor-General. The current Nomenclature Board was established in 1953 when key government agencies such as the Lands Department, Hydro Electric Commission, Forestry Commission and the Mineral Resources Department were actively involved in mapping the state post-World War II.

The vast majority of geographical features have been named and there is no longer a need for some of the statutorily assigned entities to be involved in place naming. In addition, six members of the board were appointed by the Governor, four of whom were nominated by the minister, so the process was unnecessarily cumbersome.

The new panel will consist of the Surveyor-General as chair, a senior spatial data and mapping officer from the department, and five other persons appointed by the minister, including a person nominated by the Director of the Parks and Wildlife Service, a person nominated by the Local Government Association of Tasmania, a community member with knowledge and experience in outdoor recreation, and up to two community members with knowledge and experience in heritage or historical matters and linguistics.

Additional members can be appointed by the minister as prescribed by regulation. The new panel will overcome the constraints imposed by the current legislation, whereby members of the board were assigned by outdated departmental names, and where as a result of the disaggregation of some agencies and entities and other changes over time, it is no longer possible to appoint a full board.

The inclusion of additional members from the community will ensure wide experience is available in the assessment of new naming proposals. Selection of the three community members will be via an inclusive expressions of interest process with appointments made based on skills and knowledge. As was the case for Nomenclature Board members, members of the panel are not to receive remuneration.

The second key element is the establishment of a place names register, and the appointment of a registrar to administer it. An entry in the register is to include each approved name for a place, and include the location, boundaries or extent of the approved place. The register may also include for information purposes the names of areas and features that are not required to have approved names, or that have been named under other acts.

The register will be in an electronic format or as otherwise determined by the Surveyor-General, and will be made available to the public via a web portal. The existing Placenames Tasmania portal, which is already public facing, will be the register.

The registrar is to be appointed by the secretary of the department, and is to maintain and make available the guidelines, about which I shall elaborate shortly, and to maintain the register of place names. The registrar is to make entries in the register as names are approved, and is to make amendments when alterations are approved.

The registrar is empowered to make minor amendments to the register such as typographical corrections or minor changes to the extent of a place when there is no impact on community use or expectation around that place. The registrar is analogous to the existing Secretary to the Nomenclature Board role, with parallel functions.

The third element is that the minister will assign place names, not including street and road names, upon the recommendation of the place names advisory panel. A naming proposal for a new name, or an alteration of an approved name, or the alteration of the extent of an approved name may be submitted to the registrar in accordance with the guidelines.

The registrar may refuse to accept the proposal if he or she believes that the consultation requirements in the guidelines have not been complied with. If the proposal is not for a minor revision, the registrar must cause a naming proposal to be advertised in accordance with the guidelines. At the end of the specified advertising period, the registrar must forward the proposal, together with any submissions received during the advertising period, to the panel.

The panel must consider the proposal and any submissions received, and as soon as practicable, make a recommendation to the minister in respect of the proposal. In this way, the panel is making a recommendation in full knowledge of the level of consultation undertaken and the views of stakeholders, which is not the case with current processes, since at present the board makes a decision before opening its decision up to public consultation.

After considering the panel's recommendations, the minister may either approve the recommendation, or refuse to accept the panel's recommendation in which case the minister may request that the panel reconsider the matter and make a new recommendation. This bill removes the power that the minster currently has under the old act to unilaterally vary a name when objections are received.

Since the introduction of the bill to parliament on 10 September 2019, I have requested the Office of Parliamentary Counsel to resolve a minor drafting technicality in clause 10. This pertains to the content of the panel's recommendation to the minister. The original version specified the potential elements of the recommendation, namely that the panel is recommending either to approve a name, alter a name, revoke a name or clarify the extent of a name.

For reasons of absolute clarity, the amendment now adds the element of refusing a name, because the recommendation of the panel may in fact be to refuse a naming proposal. So, to be clear, the minister may only endorse or reject the panel's recommendation. In rejecting it, he or she may refer it back to the panel for reconsideration, but the minister cannot unilaterally vary the recommendation.

In respect to names approved by the minister the name is official once the minister makes his or her decision, and the approved name is reflected in the register and made publicly available. The registrar may then cause a notice to be published in the *Tasmanian Government Gazette* specifying the details of the decision.

As mentioned, another key element of the bill is to provide for the minister to endorse the issue of guidelines that will provide comprehensive documentation about the principles, practices and processes for construction and submission of place names, and which will reference and comply with the provisions of the Aboriginal and Dual Naming Policy in force at the time.

The guidelines will provide for more flexible consultation and objection processes, proportionate to the significance of the specific naming issue, and will specify the persons responsible for proposing certain names, and set out their responsibilities.

The guidelines will be made publicly available in an electronic format and as they are intended to be a living document, will be reviewed regularly. The guidelines were formally called 'Rules' and have always provided a strong basis for Nomenclature Board decisions; however, as they are guidelines and not regulations, flexibility for discretion is retained.

The next element is to clarify the definition and scope of the term 'place'. The meaning of place has been somewhat ambiguous in the old legislation and this section now ensures ambiguity is removed and that definitions are consistent with the manner in which other jurisdictions describe them.

The definition of place specifically excludes reference to cities and towns which are named under local government legislation. Buildings and similar structures are also excluded from this bill.

The bill clarifies the responsibilities for the naming of roads and streets, properly giving responsibility to the relevant road authority. The responsible authority, usually a council, is the authority that has naming responsibility for the road or street. In accordance with the guidelines, the responsible authority may name the road or street, alter or revoke the name of a road or street, or amend the extent of a road or street.

These actions may be made by the responsible authority so long as it complies with the relevant provisions of the guidelines, and the act, and the relevant procedures of the responsible authority. Once an acceptable naming decision is received from a responsible authority by the registrar, an entry is to be made in the register to reflect that action. At this point such a naming action is taken to be an approved name.

The registrar may only refuse a submission from a responsible authority under this section if the naming action does not comply with the guidelines, or if the proposed name is the same as an approved name for another place.

If the registrar is unable to resolve a suitable naming submission with the responsible authority, the registrar is to submit the naming action to the panel for consideration, and then the matter proceeds as earlier described for other naming proposals, including that the panel makes a recommendation to the minister for a decision.

This section empowers local government in particular, and removes red tape from the current processes where some councils have only partial authority over street and road naming. Importantly, this section will allow road names to be approved earlier in a development cycle, which will facilitate early assignment of addresses to new properties. That will mean that when titles are issued, new owners will not be faced with delays in connecting utility services such as electricity and telecommunications, which can occur at present due to the delay in addresses being assigned.

The bill introduces provisions for penalties to apply if the names of places are deliberately misrepresented. This is a provision that has not been present in Tasmania before, but is present in Queensland, New South Wales, and South Australia, as well as New Zealand.

This section provides a person must not in a document, brochure, map, notice or advertisement identify a place that is not the approved name for the place if the person knows or reasonably ought to know that such identification is likely to, or has the capacity to, mislead or deceive another person. This includes if the person represents that a place has an approved name when there is no approved name for the place.

An example of deliberate misrepresentation of a name is when a party may suggest a lot for sale is in one locality, when it is in fact in another. This has the potential to mislead a potential

purchaser, and may have consequences for their future development plans, bank loans and insurance considerations.

The department is aware of several examples of this exact circumstance which has been brought to officers' attention by aggrieved members of the public. At present, there is no sanction for such deliberate misrepresentations. While there may be civil remedies available to aggrieved parties, that pathway may be onerous and costly to pursue, whereas the inclusion of penalties in this bill allows for sanctions for persistent transgressors.

Another example is where a business or resident erects a street sign that reflects a name other than the approved name. This may be the name of a commercial entity housed in the location, or the name of a resident, or a name that was not assigned by council but which the resident preferred. This creates a risk of emergency services not locating an address in an emergency situation, as well as issues with postal and other service delivery.

The penalty provisions are in terms of a fine not exceeding 50 penalty units for a body corporate, and not exceeding 20 penalty units for an individual. Further fines are available for each day during which the offence continues. There is no intention for this provision to apply to colloquial names, unofficial names, property names or Aboriginal and dual names.

Nor will these clauses apply in circumstances where a portion of an approved name is used, such as when an Aboriginal or dual name such as kunanyi/Mount Wellington is used. In accordance with the guidelines which reference the Aboriginal and Dual Naming Policy recently revised by the Government, either or both names in this example are permitted without sanction.

Since the names of businesses, and buildings, are excluded from this bill, the issue of appropriation of names for business purposes is not intended to be provided for in these clauses.

Since the introduction of the bill to parliament on 10 September 2019, there has been considerable interest in the penalty provisions. I provided for departmental officers to brief members of the Labor Party, the Greens and the independent member for Clark, and thank all of those who provided feedback. Following those briefings, I have requested the Office of Parliamentary Counsel to draft an amendment to clarify the intent of the penalty clauses.

The amendment specifies the use of traditional, colloquial or comedic names for a place, when used in good faith, will not constitute a breach of the act. I am advised by the Office of Parliamentary Counsel that the word 'traditional' is the appropriate term and broad enough to cover Aboriginal names, for example, as it refers to names that have been in use for a period of time and handed down from generation to generation, especially by word of mouth or by practice. I am confident the concerns expressed by some, particularly in relation to the use of Aboriginal names, will be addressed by this additional clause.

In terms of colloquial or comedic names, this is based on common sense. No-one would be sanctioned for the use of 'Tassie' or the 'Valley of Love' for example. Remember, this penalty relates to the deliberate misuse of place names to mislead or deceive.

Importantly, as well as penalties, the bill provides for the panel to issue warning notices on a person if the panel reasonably believes that the person has committed an offence under the act. Additionally, the bill provides for the Surveyor-General or the chairperson to issue infringement notices if the Surveyor-General or the chair reasonably believes that a person has committed an

infringement offence against the act or the regulations made under the act. Such infringement notices are to be issued in accordance with section 14 of the Monetary Penalties Enforcement Act 2005, and is to be 10 per cent of the maximum applicable penalty for the offence.

These provisions for warning notices and infringement notices allow the panel and the Surveyor-General to take graduated action with respect to possible offences in proportion to the nature and severity of the possible offence. It is not intended the penalty clauses are invoked except as a last resort for serious breaches. This is consistent with practices followed in other Australian jurisdictions, and New Zealand.

Finally, Mr President, the bill allows the Governor to make regulations for the purposes of the act. The regulations may be made in relation to fees and charges, costs of proceedings, and other matters that may be specified in the guidelines such as the process for reviewing and appealing a decision of the panel or registrar.

The Government fully supports the introduction of this bill. We firmly believe that the Place Names Bill 2019 introduces significant efficiencies to place naming processes. Consultation with stakeholders was conducted in two stages over an extended time frame and the draft bill was also circulated for comment. Departmental staff made themselves available for personal briefings on the draft bill and a number of such briefings were delivered. The Government is therefore confident the bill is strongly supported by stakeholder groups.

I commend this bill to the House.

[12.58 p.m.]

Ms FORREST (Murchison) - Mr President, I thank the Leader's office for facilitating a couple of briefings. I had a briefing some weeks ago. It was helpful because much concern had been raised in the broader community about how this was to apply, particularly in the use of colloquial and other names. There were even references to using the word 'Tarkine'. Even though it is a recognised, registered place, concerns were raised about who is going to be thrown in prison for saying 'What?'. That is an extreme example, but there is a lot of fear, uncertainty and concern out there. There is even concerns about using colloquial terms such as 'Slobart'. When I came in on Monday, it was definitely Slobart. It took 45 minutes to come down the Brooker Highway. It was unbelievably slow.

Mr Finch - There was an accident on the bridge.

Ms FORREST - No, there was not. On Monday?

Mr Finch - Yes, there was.

Ms FORREST - I do not know why it was backed up to Glenorchy.

Ms Siejka - A car was broken down the other way.

Ms FORREST - It was still Slobart, regardless of the cause. There were genuine concerns about being able to use that and not find yourself falling foul of a piece of legislation.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

QUESTIONS

Child Safety Advice and Referral Line

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

[2.31 pm]

Mr President, I have two questions here that I want to ask at the same time because I started to think last week that I had not actually sent this question through but it turns out I had. I redid it and did a slightly different version because it had not been answered in a timely manner. I will ask both.

With regard to mandatory reporting requirements for health professionals and teachers -

(1) When a report is made to the Child Safety Advice and Referral Line on 1800 000 123 -

(a) what details are recorded;
(b) how are the details stored;
(c) what action is taken to ensure that a child is safe;
(d) how are services provided to the family/child; and
(e) if a subsequent report is made, does a flag come up to indicate a prior report?

I subsequently sent through this question when the answer had not been received.

Child Safety - Mandatory Reporting

With regard to the mandatory reporting of suspected abuse or neglect of children -

When those mandated to report suspicions of abuse, such as teachers or other school professionals, make a report to the child protection advice and referral service on the 1800 number, please fully detail the process that is followed.

ANSWER

Mr President, I thank the member for Murchison for her questions. The answer to the first question is -

1(a) to (e)

A record of the conversation at the Advice and Referral Line - ARL - is taken by a Child Safety and Wellbeing Officer when concerns are raised by a caller about a child or children that require some level of action. Staff collect the following details of the child or children concerned and their family -

- the nature of the concerns that the caller is seeking to refer or seek support about;
- information on individuals or services that the family and child may already be linked in with;

- the caller's details and advice on whether they have spoken with the family about the call they are making to the Advice and Referral Line;

- advice and information about what the caller's expectations are regarding the information provided;

- referrals for local services to support the family; and

- contact details of the caller including a discussion about expectations of ongoing updates or feedback on the situation.

When requested the service can also provide a summary of the initial call back to the caller.

All details of the conversation are stored within the department's electronic systems, including -

- Child Advice Referral Digital Interface - CARDI; and
- Child Protection Information System - CPIS.

Both those services interface with each other. The information held is secure and confidential and can only be accessed by departmental staff who have been given access permissions.

Action and responses to the conversation will depend on the nature of the concerns the caller has provided to the ARL, and the current networks that are already around the child and their family.

Action can include, but is not limited to -

- the provision of advice, referral and support;

- further assessment;

- safety planning; and/or

- immediate protective intervention.

Advice and Referral Line staff engage directly with the family by phone and/or face-to-face visits and seek to provide appropriate supports around the child and their family. In addition, the ARL is the referral pathway to the regional Child Safety response teams should further planning around safety and intervention occur.

The provision of services depends on what the needs of the family are and can include referring them to an appropriate service for support. Contact with the ARL may result in referral to an Integrated Family Support Services, the Intensive Family Engagement Service or other services for youth specifically (Targeted Youth Support Services in the south or Supported Youth Programs in the north and north-west). This is done by conversations with the family by phone or through face-to-face visits.

Services may also include referral to the regional Child Safety response teams for further assessment, safety planning or legal intervention. If a subsequent report is made, a flag does indicate a prior report. As part of the standard process, staff will further explore the history and

pattern of families who have previous contact with the ARL and the broader Child Safety Service using CARDI and CPIS.

As stated in this place in answer to a previous question without notice which outlined the process, when a report is made to the ARL -

Ms Forrest - It has not been stated in this place yet, Leader. This is the first time you have read that first answer so I would rephrase that.

Mrs HISCUTT - Staff follow a comprehensive procedure when they respond to reports received from mandatory reporters and members of the public. The process followed by the ARL upon receiving a report is the same for reports received from mandatory reporters as it is for any member of the public.

The Tasmanian Government is willing to provide a briefing if the member desires.

Child Safety - Mandatory Reporting

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

A supplementary question, Mr President. I know you are not going to answer this but I want to put it on the record now and I will follow it up at a later time with the Leader -

How can it be that when people who are mandatory reporters have made calls and then made a subsequent call there has been no information stored about the particular child the issue has been raised about? That is happening and is a matter that the minister may need to be aware of.

Mrs Hiscutt - Will you put that in writing?

Ms FORREST - I will talk to you about it.

Disability Royal Commission - Question on Notice

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

[2.38 p.m.]

This is a series of questions I submitted on Tuesday last week. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability - the Disability Royal Commission - is in the state this week. It would be timely to have an answer to this. Now I am going to have to wait until March, so I will read it out of principle.

Documents obtained by the advocacy group Children and Young People with Disability Australia under right to information laws show dozens of employees in Queensland and New South Wales have been investigated for violence, abuse or neglect towards students with a disability in the past two years. Tasmania's Education department rejected CYDA's request for information on grounds the scope was a substantial and unreasonable diversion of resources -

(1) How many Department of Education or Teachers Registration Board employee investigations have been conducted in the past two years concerning violence, abuse or neglect towards students with a disability?

(2) How many employee sanctions by the Department of Education or the Teachers Registration Board resulted from the investigations?

(3) If any sanctions were applied, what were the sanctions?

(4) What resources are being made available for the Department of Education to participate in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability?

ANSWER

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

There is no requirement in the Standing Orders providing members with the right to receive responses to questions without notice within 24 hours. In the spirit of giving as much information to members as possible, I will always use best endeavours to provide information as soon as practically possible.

The *Members' Handbook* sets out the usual processes for the handling of questions without notice.

Members should provide it to the Leader's Office via email to Mandy at least 24 hours in advance of the question being asked in the Legislative Council. Upon receipt of an email containing a question it is then emailed at the earliest opportunity to the appropriate ministerial office with a request for response by midday the next sitting day. The ministerial office then sends the question to the agency secretary for a prepared response.

The secretary identifies the appropriate area within the agency. The response is prepared and forwarded to the minister's office. The minister approves the response and it is returned to the Leader's office.

A response received within 24 hours assumes all steps in the process have found available staff and also the minister to sign off on the response. This is not always possible.

Tasmanian Home Education Registration

[2.40 p.m.]

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

I have another question I have not had an answer to. Again, this question was sent on Sunday; I know Sunday is not a working day, but the intention was that it would be there first thing on Monday to start that process. I will put the question on the record, knowing there is no answer for it either.

With regard to the roles and responsibility of Tasmanian Home Education Registration under the new education legislation -

(1) How many children are registered under this scheme?

(2) How is the scheme monitored and by whom?

(3) How long does it take for applicants to get approval to provide home education for their child or children?

(4) During the period of assessment for approval to provide home education, does the child need to attend school, if this period is during a normal school year?

(5) If not approved for home education, how does the child/children transition back into the school system?

I ask this question now because this is the last sitting day, and with school going back before we are back in this place, these are really relevant questions. I did my best to get these questions through to the Leader's office, as quickly as possible, so they had time to answer it so it is disappointing.

I understand a response was provided, but there was an error in it. I ask the Leader: will she provide it to me in writing as soon as it is available? Then we can ask and table it when parliament resumes in March. This is an important issue leading up to the end of the school year in preparation for the next.

ANSWER

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

With regards to your question to me as Leader, I cannot guarantee that. I will have to ask the minister if that is possible.

I would like to refer to the reasons why, as they are the same as I referred to the member for Elwick.

Ms Forrest - Surely you can commit to providing that answer, if it is provided to you from the minister?

Mrs HISCUTT - I will have to get the minister's commitment. I can certainly commit to ask the minister.

Neurosurgery Waiting Times

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

[2.42 p.m.]

I am pleased as I believe there is an answer. I sent this one through on 29 October, and it is nice to have an answer on 28 November.

What is the current waiting time for neurosurgery at the Royal Hobart Hospital and the Launceston General Hospital for patients in categories 1, 2 and 3?

ANSWER

I thank the member for Rumney for her question. I am happy to provide an answer.

Neurosurgery is only performed at the Royal Hobart Hospital to ensure clinical safety and sufficient surgical volumes. Patients are placed on the elective surgery waiting list following referral via an outpatient clinic.

As at 19 November 2019, the median waiting time for patients on the elective surgery waiting list for a neurosurgical procedure at the Royal Hobart Hospital was 161 days. The median waiting time on the elective surgery waiting list by category is 75 days for category 1; 271 days for category 2; and 430 days for category 3.

The number of patients admitted for a neurosurgical procedure increased from 349 in 2013-14 to 548 in 2018-19.

Prohibited Insignia - Confiscation

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

[2.44 p.m.]

Following the enactment of the anti-consorting legislation that prohibited insignia legislation, under what circumstance, if any, could outlaw motorcycle group members' colours, patches or insignia be confiscated when not visible to the public, such as when worn or displayed in clubrooms?

ANSWER

Mr President, I thank the member for Murchison for her question, for which I do have an answer.

The prohibited insignia offences contained in section 6A(14) and (15) of the Police Offences Act 1935 apply to items of clothing, jewellery or other accessories displaying prohibited insignia when worn or carried in a public place only if they are visible to another person.

In addition to it not being an offence to simply possess a prohibited item, within the meaning of section 6A(1), it is not an offence to wear or carry an item in a place that is not a public place.

An OMCG clubroom, where access is limited to members and invited guests, is not considered a public place unless it has been made open to the public.

The corresponding seizure power in section 6B of the Police Offences Act 1935 may only be exercised in a public place and only where a police officer has reasonable grounds to believe an offence against section 6A is disclosed.

Without additional authority, a police officer cannot enter a clubroom that is not a public place.

Ear, Nose and Throat Specialist Recruitment

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

[2.45 p.m.]

My question is very similar to one I asked earlier. I did not expect to get an answer. I have actually provided the answers to some of the questions I asked this morning, so it will be interesting to see if they are the same. I was not sure I would get it in time.

My question regards the availability and accessibility of ear, nose and throat surgeons. My understanding is that Burnie has one, soon-to-be-retired, ENT surgeon; that Launceston General Hospital is about to lose two overseas-trained surgeons, with one other soon to retire, leaving only two; and that Hobart has five ENTs, with three approaching retirement. I also understand there has not been any ENT trainee in Tasmania for over 15 years. Will the Leader please advise -

> What specific plans are in place by the Government or the department to address the issues surrounding recruitment, retention and planning as regards ENT specialists in Tasmania?

I would like my question to remain on the Notice Paper as well because I am not sure whether this will be a policy answer as opposed to the more in-depth answer I would require.

ANSWER

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

The Government has a strong record on specialist recruitment at the LGH - having recruited to full-time neurology and endocrinology, and with additional success this year with the new ED specialists.

The Tasmanian Health Service - THS - has been continuing to focus on recruiting specialists for long-term, challenging areas. This is particularly so for clinical areas experiencing national shortages, such as ENT specialists.

The THS is seeking to recruit specialists through national and international recruitment campaigns, with assistance, advice and expertise provided through specialist recruitment agencies. These campaigns are continuing.

The THS has also been working closely with the Workforce Planning, Recruitment and Retention Unit.

Safe Drinking Water - North-East

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

[2.48 p.m.]

I ask this question on behalf of the member for McIntyre, who is probably dining with the Queen as we speak.

(1) What actions, including monitoring and any enforcement, have been undertaken by Public Health to ensure provision of safe drinking water in Pioneer?

(2) When will all residents of Pioneer have access to safe drinking water?

(3) What was the cost to TasWater of providing a reticulated water system to Herrick?

(4) What was the cost to TasWater of providing a reticulated water system to Gladstone?

(5) What is the estimated cost to TasWater of providing a reticulated water system to Pioneer?

(6) What is the cost to replace the roofing of the 12 affected properties in Pioneer?

(7) What has been the total cost of testing, monitoring, provision of tank water and consultants spent in investigating the issue of lead contamination in Pioneer?

(8) Can the minister confirm that TasWater is requiring residents of the 12 contaminated homes of Pioneer to pay approximately $15 000 for repairs to their homes when the roofing is replaced?

(9) In December last year the Director of Public Health, Dr Veitch, identified that TasWater had failed to respond to foreseeable risk to residents in Pioneer. Why were residents not advised of the direction from Public Health for five months? What action has been taken since this correspondence?

(10) Can the minister confirm whether recent laboratory tests showed that brass fittings installed by TasWater are leaching lead?

ANSWER

I thank the member for Rosevears for asking that question on behalf of the member for McIntyre while she is overseas.

(1) I am advised that between 2010 and 2012 a number of low-level exceedances of the Australian Drinking Water Guidelines quality limit for lead were detected during routine sampling of water in Pioneer. Subsequently, the then director of Public Health took the precautionary action of requiring Ben Lomond Water to issue a 'do not consume' notice to recipients of this water and to provide them with an alternative supply of safe drinking water.

A plan for service replacement in Pioneer was initiated by Ben Lomond Water and then undertaken by TasWater, which involved the installation of rainwater tanks managed by residents. The process was supported by Public Health Services. After residents raised further concerns, Public Health Services engaged with TasWater, which has subsequently undertaken further assessments and testing of roofs and water in Pioneer, and is discussing options with residents.

(2) It is anticipated that residents will have access to safe drinking water following completion of works.

(3) to (8)
Advice is being sought from TasWater regarding these questions. The Government will provide the member with correspondence as soon as that advice is received.

(9) In a letter dated 7 December 2018, the Director of Public Health expressed to TasWater that while rainwater tanks had been installed widely through Pioneer, the condition of some roof catchments and associated plumbing had not been addressed. I am advised that limited water testing had not identified exceedances of the Australian Drinking Water Guidelines quality limit for lead in tank water. TasWater has installed filters in supplies to mitigate this risk to household drinking water, should it arise. The Director of Public Health advised TasWater of his view that further definitive works were needed.

(10) A resident of Pioneer has shared with Public Health Services the results of an analysis of brass plumbing fittings. The minister has advised that the results of all the tested fittings complied with the relevant standard.

PLACE NAMES BILL 2019 (No. 38)

Second Reading

Resumed from above.

[2.53 p.m.]

Ms FORREST (Murchison) - Mr President, I was talking about Slobart when the House rose for the lunchbreak.

All these excuses were being given. As I said before the lunchbreak, this bill raised the hackles of a number of people. There was commentary in the media. Some very concerning opinion pieces were published that made me sit up and take notice, and, as we always do, have a good close look at the legislation before this place. I thought I would seek some information earlier rather than later. I appreciate the briefing provided personally earlier, and the further briefings given to Legislative Councillors collectively.

Those discussions allayed a lot of concerns. I know the amendment inserted in the other place that clarified the suitability of using colloquial or comedic names, traditional names and dual naming for Aboriginal names is appropriate. One matter I raised in my personal briefing was about engagement with the Aboriginal community, particularly where this does pick up on dual naming, and even sometimes the naming of other features and places - most places in Tasmania have been named, but there are still some that will be named in the future as a responsibility of the Place Names Advisory Panel. Then we need to be conscious that sometimes names or words that we as non-Aboriginal people think are okay actually can be quite offensive to an Aboriginal person because of the history of the place. We think about that in the far north-west where we had Suicide Bay, which is terribly offensive because those Aboriginals were pushed off the cliff. They did not suicide, they were pushed over. To call it Suicide Bay is an insult in so many ways.

It is having that awareness when you do not know the history of the place - and their history is much longer than European history - and we need to have some respect for that. I would like the Leader in her response to address more fully the engagement of the Aboriginal community - or communities, because there are different Aboriginal communities around the state, as we know - in the process of engaging in the naming of place or places.

I felt they should have had representation on the panel. There are reasons that was not done and I would like those to be clearly articulated by the Leader in her reply. We need to be very inclusive in our approach here. When you talk to Aboriginal people, who are very knowledgeable about the naming of places, one place can have a number of names depending on where you look at it from. It is important that we, and members of the panel, understanding that when a name is being determined. It is a respectful thing to do. I would like some more detail on the engagement and inclusion of Aboriginal people in this decision-making, particularly the local Aboriginal people. It is the local Aboriginal people who have the most intimate knowledge of the history of the place, and they have much more connection with the place. I would like some more detail on that.

I understand the guidelines are not a legislative instrument, but will be public-facing, available and regularly reviewed. I appreciated getting a copy of the guidelines to see what they cover and the sort of detail that is to be considered in naming places. That is really helpful, and I am sure it is really helpful for anyone who wants to make a submission in the future regarding the name of a place.

As the Leader said, the panel must consider any proposal and any submissions it receives as soon as practical and make a recommendation to the minister in respect of the proposal when the proposal comes before the panel. The panel, in doing so, is making a recommendation in the full knowledge of the level of the consultation undertaken and the views of stakeholders, which is a different way of doing it than what is currently happening through the Nomenclature Board, because when the panel is considering it, they have all the information.

At present, the board makes a decision before opening up the decision to public comments. In many respects, that was a bit of a roundabout way of doing it - to make a decision and go to consultation. We know of other aspects of government where that is done - in relation to some things like the northern prison, and you can see the reaction you can get from doing it that way around. Hopefully, this will be very different. The panel will have all that information up-front and be aware of the public submissions and any concerns raised or recommendations made in terms of what particular people or organisations might think about a particular decision regarding a name of a place.

Another important aspect is that the bill removes the power the minister has under the current legislation to vary unilaterally a name when objections are received. You can see how dangerous that could be if you get some very influential person, or someone who may have been a particular donor, who has quite an influence on a particular minister and who says 'I don't like that, I would rather this', and the minister can unilaterally change it. I am glad to see that is gone. The ministers can only accept or reject the panel's recommendations. They can send it back and ask for it to be considered again but they cannot unilaterally change it. That is a positive thing.

It gives greater autonomy to local government in naming streets and roads. When a development is going in, that can be very difficult. The house I bought in Wynyard was part of a subdivision. It was an existing house with a subdivision going in around it. The number had to change to fit the new blocks that led up the road to our place. It makes it confusing when getting the NBN installed or the power or water connected. There are a range of challenges. There will still be some issues with that, but that is for the council to manage. I urge councils to be respectful of Aboriginal people's views and the names of some of the streets in their town.

We will have no more Main Streets, Esplanades, Smith Streets, High Streets. They will need to be a bit more creative and come up with different names. There are guidelines on what you can use. For many years we have been able to have a new Main Street in a new town. No more.

Mr Gaffney - We have Kobie Lane. A girl told me her cat was run over in the lane and it was called Kobie, so could they call it Kobie Lane? That is history.

Ms FORREST - What did she want you to do about that?

Mr Gaffney - It was good, we approved that one. We thought it was good.

Ms FORREST - That is why you called it Kobie Lane, because the cat was called Kobie?

Mr Gaffney - She approached the council with a letter when she was 13 and asked whether we could consider naming the lane Kobie Lane'.

Ms FORREST - Latrobe Council is a very kind council; they must have had a wonderful mayor at the time.

Mr Gaffney - We do not do that for every dead cat.

Ms FORREST - Pets are very important to a lot of people. We should not underestimate the positive impact they can have on their lives.

Mr Finch - What about Finch Avenue?

Ms FORREST - You have to die first, as I understand the rules. The Leader can check with her advisor on this - you cannot name a road after someone who is still alive. They have to be dead.

Mrs Hiscutt - Yes, that is correct. Something can be arranged if you like.

Mr PRESIDENT - I do not think you will get an avenue though, more likely a cul-de-sac.

Ms FORREST - In due course that may be an option. We would rather keep you around than have Finch Avenue just yet.

There is a lot of detail in the second reading speech. In the debate, there will be more comments around other areas. There is the issue of people misrepresenting a place. People buy property sight unseen on the internet. Insurance premiums can be higher in some regions, towns or some parts of a city than others based on insurance risk assessments. According to the briefing and the Leader's second reading speech, it has occurred where a property has been advertised as being in a suburb that may be seen as a more affluent suburb, has lower insurance premiums because it has lower rates of crime or other aspects that would make it more attractive, when in fact it is not in an affluent area. It can be in a very poor area with high rates of crime and thus the insurance premiums are higher. That is misrepresenting the property. People should have every right to sell a property in those areas, but they need to accurately represent the location. If that is the intention of the provisions, strong penalty provisions that see the incorrect use of representation of a place, that is an appropriate use of it.

The amendment inserted in the other place makes clear that it does not refer to the use of colloquial names, comedic or traditional usage of names. Every place has them and some of them are quite affectionate terms, some of them not so affectionate - as the member from Launceston pointed out, someone calls Launceston, Misery Lane -

Ms Armitage - Misery Flats.

Ms FORREST - Misery Flats is a name used for Launceston, I cannot understand why anyone would call it that. Personally, I would not call it that; I quite like Launceston and I have quite a few family members who live in Launceston. People do certain things sometimes to be provocative and to get the desired action, which I am sure they do.

Ms Armitage - The person who actually said it came from Launceston initially.

Ms FORREST - So he is a runaway from Launceston.

All jokes aside, these colloquial terms used often indicate something that has happened in the place or is significant about the place. Even though some people may find them somewhat offensive, we do not need to be throwing people in jail or issuing harsh penalties for that, when it is actually just a bit of fun and no harm is intended.

Overall, I am satisfied the bill achieves what it seeks to achieve. It does not pose those concerns genuinely raised by people early in the piece, when it was not fully understood about what was intended to do. It will help the Leader enormously if she never has to say 'nomenclature' again.

[3.09 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I just have a couple of responses to read in now, with one more to come.

Why does the Place Names Advisory Panel not provide full representation from Aboriginal groups? The response is the panel does not specifically provide for representation by Aboriginal people. However, there is nothing to prevent Aboriginal people from being selected as part of the community membership process, subject to appropriate knowledge and experience. The Aboriginal and Dual Naming Policy provides for the establishment of a reference group of experts in Aboriginal language matters. The reference group is intended to be majority Aboriginal people and will ensure appropriate advice is provided to the Place Names Advisory Panel about Aboriginal and dual naming submissions.

Apart from Aboriginal and dual names, the number of naming decisions likely to come before the new panel each year is expected to be low. The average number of topographical or cultural feature names in the last three years has been three to four. Road and street names, some of which previously came to the board for deliberation, are now entirely the province of local government in most instances.

How have Aboriginal communities been involved with the development of the bill? The Tasmanian Aboriginal Corporation provided a detailed submission during the first phase of stakeholder consultation. All Aboriginal groups have had the opportunity to make submissions at each stage of the consultation program. The Tasmanian Regional Aboriginal Communities Alliance was briefed in person at its August 2019 meeting on the draft bill and the guidelines. The

Tasmanian Aboriginal Centre declined an invitation to be briefed in person on the bill. They were then provided with a copy of what was happening.

Regarding involvement of the Aboriginal community in the place-naming process, parties putting forward names for consideration are required to undertake consultation with all affected stakeholders, which can include local Aboriginal groups. Once the proposed name is provided to the Place Names Advisory Panel, the period of advertising takes place, seeking feedback from the public. All Aboriginal groups are part of the stakeholder groups notified of any upcoming consultations.

Bill read the second time.

PLACE NAMES BILL 2019 (No. 38)

In Committee

Clauses 1 to 5 agreed to.

Clause 6 -
Place Names Advisory Panel

Mr VALENTINE - Clause 6(2)(g)(ii) says 'appointed by the Minister as prescribed'. If you read that, the minister might be choosing up to six members. Or does he take advice and it is not really the minister choosing them?

Mrs HISCUTT - They will be prescribed under regulations so it depends on what is required at the time.

Clause 6 agreed to.

Clauses 7 to 9 agreed to.

Clause 10 -
Approval of certain place names

Mrs HISCUTT - Before the member for Windermere stands to make a comment, an amendment was proposed by the member for McIntyre, Ms Rattray. Because she is not here to pursue that amendment, I contacted her around 10.00 p.m. last night. She asked me to do a couple of things, which I did. This involved a couple of members. A debate ensued and the final text message that came back from the member for McIntyre was, 'Hello, don’t worry about pursuing it with another member. I am okay to let it go'. I just wanted that on record.

Mr DEAN - I am disappointed that a member did not take this up. I thought it would be a member in his local area. A previous member of this place, the honourable Tony Mulder, came in and briefed us on it. I thought somebody might have pursued that. Maybe I should have considered it further.

I raised concerns with clause 10(4) during the briefing. I received a reply from the department, from Matt -

> For your consideration, below I have paraphrased the OPC commentary around clause 10. They have just asked that their comments to me not be read verbatim into *Hansard*. Hence my paraphrasing below which is very close to what was provided.

There is nothing to say this was provided to me in confidence. I cannot see why it would have been.

Madam CHAIR - Can I clarify that OPC's words are not being repeated here, someone else's words are?

Mr DEAN - The OPC's words have been paraphrased. It is an open letter back to me. There is nothing to say it is in confidence.

Mrs Hiscutt - My team does not have a problem with that.

Madam CHAIR - The OPC's words are being used. That is a matter for the member to determine.

Mr DEAN - It has been given to me. It has been paraphrased. I cannot see that is going to cause any concern. I do not want to ruffle any feathers. You might take some advice on that. If that is the case I will not go into it any further.

Mrs Hiscutt - While the member is on his feet, I think Madam Chair is not concerned about our feathers being ruffled so much as OPC's feathers. I cannot advise you on that.

Mr Valentine - Talk about the issue.

Mr DEAN - The issue is talked about in this email.

Mrs Hiscutt - Can I clarify while the member is on his feet: I do not think the words have been changed. Maybe just the header has been taken out and the footnote taken off. The member may be about to say if the advice is the same.

Madam CHAIR - On that point, as notionally OPC provides legal advice, there is a degree of concern about -

Mrs Hiscutt - I do not think it is legal advice.

Mr DEAN - I will try to do it another way. I hark back to the briefing - my concern was the authority of the minister to make these changes off their own bat. That is, to alter and approve a name for a place or revoke an approved name of a place or to clarify, extend or reduce the location, boundary or extent of the place. I was concerned that was the position. Rather than go into what she emailed - I will not do that - I ask: Is that the position? Or does it have to go through other processes? Does the minister have to rely on other recommendations and positions put to him in the circumstances? That might be the better way of doing this. I imagine the answer is going to be somewhat similar to what is in this.

Ms Forrest - That is fine, but you are not using it.

Mrs HISCUTT - It really clarified a clause. It was not legal advice. Clause 10 contains a number of elements. The minister, for example, only has the power to do something in respect of a proposal if the minister has been provided with a recommendation of the Place Names Advisory Panel in respect to that proposal. Therefore, there must be both a proposal in respect of a place and a recommendation of the panel in respect of the proposal before the minister has any role to play in the naming of the place.

Once the minister has received the recommendation of the panel, the minister has only two options; first, to act in accordance with the recommendation of the panel - that is paragraph (a) - or to refuse to act in accordance with the recommendation - that is paragraph (b) - and if that is the case, ask the panel for a new recommendation in respect of the proposal.

There is no power for the minister to do anything outside of those two options. That is just clarifying that section.

Ms WEBB - My question will capture some of the member for McIntyre's potential amendments that we are not progressing with, but we will get some information as part of the discussion today, if that is okay. In clause 10(4)(b), the second option the minister has to act on when receiving a recommendation of a proposal is -

> … refuse to take an action referred to in paragraph (a) … and request that the Panel make a new recommendation.

Is there a mechanism that can allow transparency around the reasons for refusal? Does the minister in some publicly documented and accessible way have to make available reasons or grounds for refusal, which can then be considered by perhaps the original proposer or others who might like to look into that?

Mrs HISCUTT - The Government's intention is to make the process as transparent as possible. All named places are currently accessible through Placenames Tasmania, the state's place names register. Following the finalisation of the bill, it will be possible to view the progress of an application to the Place Names Advisory Panel through this portal. It is difficult to see a situation where the minister would not provide the panel with the reasons for their refusal.

Ms WEBB - I accept the Leader's statement. It is hard to imagine a situation where the minster might not provide the panel with their reasons, but just to be clear, are you saying those reasons would be made public on the register so they could be discoverable to others beyond the panel?

As a supplementary question, is there somewhere a set of articulated grounds on which refusal might be given so that people could understand, even before the action of a decision, what might be reasonable grounds on which it could be refused? Is that articulated somewhere?

Mrs HISCUTT - There is nothing to compel the minister to disclose that, but it is difficult to see a situation where they would not disclose any of the reasons to the panel.

Ms WEBB - To clarify, I am not doubting disclosure to the panel, I am wondering about a mechanism for it to be publicly discoverable.

Mrs HISCUTT - Are you asking: would the minister put their reasons to - perhaps the only other place might be through the register or through the progress of the application or through the portal or something like that?

Ms WEBB - Somewhere that is discoverable by the public.

Mrs HISCUTT - We were talking about it being made discoverable - only if the minister chooses to make it public, but there is nothing in this bill to compel the minister to do that. The panel may be allowed to disclose the reasons, with the minister's consent. The fact that the minister has refused will be made public but not the reasons, unless, of course, the minister chooses to do so. Refusal is only likely to occur if any new information comes to light to the minister that the panel is not aware of. It is a very rare occasion. If there were something the panel was not aware of, the minister might say something.

Ms Webb - Are the grounds for refusal or any others documented anywhere?

Mrs HISCUTT - Not that I am aware of, not documented.

Mr DEAN - I want to be absolutely clear on this. The minister gets the recommendation, the minister then has a number of choices and at the end, the minister can refuse to accept the recommendation.

If the minister refuses to accept the recommendation, the minister is to return it and make a request under clause 10(4)(a) for a new recommendation in respect of a proposal. The panel then may but is not required to seek further information from the person who made the proposal and is to provide the minister with a new recommendation with respect of the proposal.

On receipt of a new recommendation in accordance with clause 10(5)(b), the minister is to comply with subclause (4) in respect of the recommendation.

I will pluck a name out of the air because our former member referred to it, if the panel put forward a name - for instance, this area is to be identified as Howrah Heights - and the minister refused to accept that and sent it back to the panel, and the panel returns it with a recommendation it be referred to as Howrah Hights, is that sufficient? With a new different recommendation, is the minister then obliged to comply? Is that the position? If not, what is the extent of any changes that must occur in the recommendation if a different recommendation is made to what the position would be?

Mrs HISCUTT - A recommendation is given to the panel and the panel gives that recommendation to the minister. The minister may choose to accept or refuse. Let us go down the lane of refusal. The minister will provide the panel with all the reasons they have for refusing that particular name. The panel will then address that. It simply may be the spelling of the name. There may be 10 reasons, but whatever the reasons, they all need to be addressed through the public consultation process again. We start the process again and if all the reasons have been sorted through, the minister will then accept it. The panel will then make the recommendation to the minister. The panel will go through the same process, starting at clause (10)(4) again. If everything is addressed towards the end, it will be right if it is just the matter of a change.

Mr DEAN - I have just had some discussion with my colleague in relation to this. If you look at clause 10(6) -

> On receipt of a new recommendation in accordance with subsection (5)(b), the Minister is to comply with subsection (4) in respect of the recommendation.

He is to comply, must comply. That means the minister could refuse the next recommendation and could go back again to the panel. How many times can this happen? There has to be an end to it somewhere. This could happen. If I had wings, I would fly, but you know these sorts of things - we need to have some clarity on this. As I interpret it, it could go backwards and forwards for three or four different recommendations or name changes, or do I have that wrong?

Mrs HISCUTT - From the onset we would like to say that it has never happened before.

Having said that it has never happened before, what you are saying is possible, but there is a bit of common sense here. The minister would refuse it on whatever grounds they refuse it. The panel would then -

Mr Dean - But the minister does not have to provide those reasons publicly?

Mrs HISCUTT - The minister has to provide the reasons to the panel, and then the panel will go through the whole process again, and by the end of that, you would assume that all the points the minister was concerned about would have been addressed, and it would be passed. Please bear in mind that this has never happened before.

Mr Dean - And probably will never happen, then.

Mrs HISCUTT - It probably will never happen.

Mr VALENTINE - Certainly when I first read this bill and listened to the briefings, I had concerns, and I re-read this.

I think the real question to ask is: is it possible for the minister to make a unilateral decision by renaming something that may have been recommended to him, but he might decide, 'No, I don't like that, I'm going to call it this'?

Mrs HISCUTT - The answer is simply no, bearing in mind the conversation we had before which I have put on record. The minister has to do one of two things and there is no power for the minister to do anything outside of those two points.

Mr GAFFNEY - Madam Chair, on the point raised by the member for Nelson, I can see situations where the minister might be given information that is perhaps sensitive and contentious, and to have to put that into the public domain might cause more hurt and harm.

While 99 per cent of the time the minister might be quite able to give reasons and the panel might also be able to convey those to the community, I would hate to think we would make it mandatory or compulsory for that to occur. There are some situations, and having been on the council before where you sort of did that when submitting names to the then Nomenclature Board, you might be aware of something that has happened in the past that would make that name quite sensitive to other people.

I still believe that the minister, with their discretion, should not have to divulge every reason why they may not think a name is acceptable. Going back to it, it has not happened very often and

I would think that in most times - nine times out of 10, or 99 times out of 100 - the minister would be happy for the panel to know the reason, but every now and again I think they should have that capacity not to divulge information that could be sensitive or hurtful to some other members of the community. The minister may need to sit on that information themselves.

Ms Webb - I agree that this discretion would be good to have there. My preference would be that the norm is that it is disclosed and available, and that those exceptions are built in and as much as possible a discretion is built in. I would prefer to have it flipped that way around.

Mr GAFFNEY - Yes. On that, I know it is going to be slightly different, but if we were ever refused a name we submitted from council, it would always come back with a reason. Then we would have to submit two or three names for them to choose from. That is a similar sort of thing - if there were a reason it could not be named that. It is the same sort of process, but I still believe the minister should have the right not to disclose all the information if they believe it could cause more hurt and harm.

Madam CHAIR - I will take that as a comment.

Mr VALENTINE - Regarding the example provided during briefings of Howrah Heights versus Rokeby, it would not be possible for the minister to advantage political colleagues by stepping in and making a particular suburb a suburb of Howrah rather than a suburb of Rokeby. If the Nomenclature Board has ruled against that, this particular bill is not going to enable the minister to override that recommendation.

Mrs HISCUTT - It will not allow a minister to override. It is not the Nomenclature Board any more. The minister cannot influence the panel. The panel has its own processes and it puts forward a name. If the minister says no, the minister has to give a good reason. It cannot be as you are suggesting.

Clause 10 agreed to.

Clauses 11 and 12 agreed to.

Clause 13 -
Person must not misrepresent name of place

Ms LOVELL - Madam Chair, this issue came up in my electorate in the Rokeby, Glebe Hill and Howrah areas. Given that we are, in this clause, introducing a penalty for misrepresenting the name of a place, to try to gain an understanding of the scale of the problem, can the department advise how many times it has been contacted about this and in what areas? Has this come up in other areas, or has it been specific to this area?

Mrs HISCUTT - It appears there have been three or four examples over the past few years. There have been two or three in the past month, so it is starting to increase. As the summer sales come on, without this bill in place that might increase.

Ms Lovell - While you are on your feet, has it been outside this particular area? It seems to be a hotspot.

Mrs HISCUTT - The recent ones have been in the Rokeby/Howrah area, but past ones have been outside that area.

Mr VALENTINE - This misrepresentation of name or place is actually covered by other acts - the Property Agents and Land Transactions Act 2016, section 56, False or misleading advertising et cetera by property agents -

> A property agent must not represent in any way to someone else anything that the agent knows is false or misleading in relation to the letting or sale of property.

A penalty of 500 penalty units. The *Competition and Consumer Act* 2010, which is a Commonwealth act -

> A person must not, in trade or commerce, engage in conduct that is misleading or deceptive ...

Why is it needed when it is covered in other acts is the question? Or is it perhaps not broad enough in other acts?

Mrs HISCUTT - While there may be civil or other remedies available to aggrieved parties, that pathway may be onerous and costly to pursue whereas the inclusion of penalties in this bill allows for sanctions for persistent transgressors. An example of other remedies is contained within the Property Agents and Land Transactions Act 2016. Was that one of the ones you named?

Mr Valentine - It was.

Mrs HISCUTT - The act does contain penalty provisions for false and misleading advertising. However, those circumstances are narrowly focused on real estate matters and property agents and are only one instance in which place names can be misrepresented and one type of party that is the transgressor. These examples may seem minor in nature and can be treated by the issue of warning letters from the Surveyor-General. However, if the situation escalated and there was the potential for more serious consequences, such as the misdirection of emergency responders, the act provides for the consequent escalation of infringement notices and penalties.

Mr DEAN - I need some clarity around the position in clause 13(2) -

> A person must not, in a document, identify a place .. if the person knows, or reasonably ought to know, that identifying the place in that manner is likely to, or has a capacity to, mislead or deceive ...

If you look at 'document', I am interpreting that to mean it really has to be something made public, including a brochure, map, notice, sign, billboard or advertisement. As an example, I was in another place on one occasion, when, in a notice provided to a number of people present, Ravenswood was referred to as 'Ravo'. The person was severely rebuked at the time. I do not want to mention other things because I do not want to identify the person. As I see it, that does not fall here anywhere, because it has to be misleading or deceptive, in a deceiving way. Is there somewhere that covers this, or I have missed it somewhere?

I looked at clause 13(5), and that is probably what you were going to refer me to which says -

> For the avoidance of doubt, nothing in this section prevents the use of a traditional, colloquial or comedic name for a place if such a name is used in good faith in circumstances where the use of such a name is unlikely to mislead or deceive another person

The name, in that instance the word, was used, obviously in good faith, but it was upsetting to many people. Is there nothing there to stop that happening? I would think we ought to have covered this, but is that the position?

Mrs HISCUTT - It certainly is not misleading; it might be upsetting and abusive, but it is not misleading. I refer to an area in the member for Murchison's electorate - Smithton. Unless you actually come from Smithton, you are not allowed to call it Mifton because it is seen as an insult.

Ms Forrest - It has three fs by the way.

Mrs HISCUTT - Yes, it may be an insult and you may be offended, but we certainly know where Ravenswood is whether it is called Ravo or Ravenswood, and we certainly know where Smithton is whether it is called Smithton or Mifffton. It may be insulting to some. For people in the areas, that is its name, that is what they like. If you are outside those areas, it could be seen as an insult, but it is not misleading.

Mr Dean - While you are on your feet, why did the legislation not cover that?

Mrs HISCUTT - You cannot cover who is going to be upset or insulted.

Mr Dean - That was in a public document, so it could have been made public.

Mrs HISCUTT - Without a doubt, it is not misleading.

Clause 13 agreed to.

Clauses 14 to 20 agreed to.

Schedule 1 -
Place names advisory panel

Ms WEBB - I am not sure if I have read this correctly so I will ask. Schedule 1, clause 6, Filling of vacancies -

> If the office of a member becomes vacant, the Minister may appoint a person to the vacant office for the remainder of that member's term of office.

When I look at the appointments of the panel, you have the Surveyor-General who is going to be chairing; then clause 6(2)(b) -

> A State Service employee, responsible for spatial data and mapping of the State, appointed to the Panel by the Surveyor-General …

Presumably, if that position became vacant because the State Service employee resigned or stepped away, it would not be the minister who would fill that position, it would be the Surveyor-General who filled it?

Mrs HISCUTT - To be absolutely sure, we will have to take advice from the Office of Parliamentary Counsel, but reading this clause with our advisers we believe that the State Service employee position would remain vacant until it was filled by the State Service again and that same person would be put back on there.

Mr Valentine - The same position?

Mrs HISCUTT - Yes, it is the same position. The State Service employee who was there and going to resign at a certain time and that role would be filled by another person, that other person would come in there. So clause 6, Filling of vacancies, would apply to the people the minister can appoint.

Ms WEBB - Even though that is not stated there?

Mrs HISCUTT - No, it is not stated. That is the way OPC has drafted it.

Ms WEBB - It seems pedantic but clause 5, Vacation of office at subclause (2) deals with the fact that the Surveyor-General cannot resign from the panel. Presumably that is because the Surveyor-General is a position that always remains on there. If the Surveyor-General resigns from the Surveyor-General position or moves on from that position, the next Surveyor-General steps in and becomes the panel member.

Are you suggesting it would be the same with the State Service employee's role? My concern about that is the State Service employee role is not stated there with a position title, so it might be that restructuring means the person appointed by the Surveyor-General into that State Service employee role may be restructured out of existence and then there is no-one to step into that role. I think it just a little quibble, but a technicality.

Mrs HISCUTT - We can seek that information for you, but I need to ask for permission and guidance from the Chair. It would require talking to OPC, Madam Chair. Do I have permission for one of my advisers to leave the Chamber to make a phone call to seek that advice?

Madam CHAIR - You can certainly do that. We could postpone the schedule and come back to it.

Mrs HISCUTT - We could postpone the schedule while we find that information. I would be happy to do that and then relay the information as soon as we get it.

Madam Chair, I move -

That Schedule 1 be postponed.

This is to seek further information.

Schedule 1 postponed.

Schedule 2 agreed to.

Schedule 3 -
Consequential amendments

Mr VALENTINE - I seek clarification that all these changes to the various acts are simply to do with the name 'Nomenclature Board' being taken out and the like. There is nothing too untoward in there, is there?

Mrs HISCUTT - It is to do with the Survey Coordination Act 1944, and the other ones are basically the same - to get rid of the words 'Nomenclature Board'. I will be pleased when I do not need to say that word ever again. I will seek some more information to make sure that is the case.

The Survey Coordination Act does talk about it. It is revoking all the components of that legislation relating to place naming. All the other parts relate to the registrar of the Nomenclature Board.

Schedule 3 agreed to.

Postponed Schedule 1 -
Place names advisory panel

Mrs HISCUTT - Clause 6 of Schedule 1 only applies to members the minister can appoint. With Part 2, clause 6(2)(a) and (b), those two positions remain vacant until they are filled by the proper people. As long as a quorum remains, those two positions will be filled by qualified persons as soon as they become available. The panel can still operate as long as there is a quorum.

Ms WEBB - To be super clear, when the State Service employee position may become vacant through one of the ways described in schedule 1, clause 5, Vacation of office, when that position becomes vacant, it is reappointed by the Surveyor-General as is described in Part 2, clause 6(2)(b), because it is not attached to a position as such, just somebody who is a State Service employee responsible for certain areas, spatial data and mapping.

It is not just vacant until a particular position is filled, it is vacant until the Surveyor-General appoints the next person to that role. That is a mechanism for filling a vacancy not described in Schedule 1, clause 6. If there is a gap not described as a method for filling vacancies, in Schedule 1, clause 6, it says -

> If the office of a member becomes vacant, the Minister may appoint a person to the vacant office for the remainder of that member's term of office.

There is nothing there that would say the other position is then reappointed by the Surveyor-General and not the minister.

Mrs HISCUTT - After the discussion my advisers have had with OPC, their opinion is that it is sufficiently clear in the bill as drafted.

Schedule 1 agreed to and bill taken through the remainder of the Committee stage.

PLACE NAMES BILL 2019 (No. 38)

Suspension of Standing Order 279

[4.07 p.m.]

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

That order 279 be suspended to enable the bill to now be read the third time.

I ask members to agree to this motion because today is the last sitting day for 2019 and this motion in in line with past practice.

Mr President, to support my request, I note that finalising the Place Names Bill today will allow the new Place Names Advisory Panel and processes to be in place to commence operation in the new year. The break is coming up and I note the Nomenclature Board will finish its current activities at its upcoming December meeting. In parallel the Nomenclature Office is about to start setting up the Aboriginal and Dual Names Reference Group. It is preferable that the reference group starts its report to the new Place Names Advisory Panel rather than the Nomenclature Board, saving efforts spent transitioning to the new panel and processes after a couple of months.

The consultation and development of the Place Names Bill has been in train for four years and we are keen to get on with the new processes to start delivering these efficiencies to local government. I also note that quite a few houses will be bought and sold over the summer months so I really would appreciate it if members could see in their hearts to now agree with this motion.

[4.09 p.m.]

Ms FORREST (Murchison) - Mr President, I do appreciate the Leader giving her reasons for suspending Standing Orders, but in line with my stand on this matter, I will not be supporting the motion. This matter is not urgent. It has been in train for four years. This is a matter of the Government managing its business - if there are things the Government has a deadline for, and it really wants to see that through, it is up to the Government to deal with that.

[4.09 p.m.]

Mr DEAN (Windermere) - Mr President, I can see where the member for Murchison is coming from, but this bill has been around for some time and, as the Leader said, there is a sense of some urgency around it. There are some concerns with the current situation. We have had one issue, to my knowledge, raised with us and members obviously addressed that fairly closely. Had they not, amendments would have been brought forward. That is what I said in my contribution during the Committee stage. I ask members to support the motion. I cannot see anything wrong with it. The matter needs to go to the third reading stage. I support the motion, Mr President.

[4.10 p.m.]

Mr FINCH (Rosevears) - Mr President, it has been made obvious over many years that the member for Murchison will object to the suspension of Standing Orders. When will the message get through to the government of the day that it is will be untidy to try to come in here and suspend Standing Orders to allow the passing of the bill through the process? Four years the bill has been in preparation. The member for Windermere mentioned we recently had a briefing from Mr Mulder. When was that, two or three weeks ago?

Mr Dean - Three or four weeks ago.

Mr FINCH - There has been time in our parliamentary program to move this through. I do not know what limitations there were in stopping this bill being efficiently brought to this House without us having to debate again the suspension of Standing Orders. The message is there every time there is a suspension of Standing Orders. It is about organising the business of the day, through the proper processes, starting downstairs to ensure that you have the proper time to work through matters according to the Westminster system instead of having to go through this process of suspending Standing Orders.

Ms Forrest - Some pieces of legislation do not have a commencement date. They are the ones you leave to the last sitting day.

Mr FINCH - Sure. If there were urgency with something that needed the cooperation of the Legislative Council, that would not be denied. I do not see that in this situation. As you say, Leader, four years in the process of doing this. There was no time urgency expressed to us in recent briefings. We have not heard there is any urgency to get this through. Then the Legislative Council gets blamed for blocking everything and for being uncooperative. We do not want to be put in that position. We do not want to be seen as the bogey people in the process. It is about the proper process, a proper process that starts downstairs. Start with the order of business in bringing it before us. We are happy to cooperate - but not this last minute stuff.

At least we do not have the rush we had. In my first 10 or 12 years here, we would get a rush at Christmas. Boring. Eventually, certainly with this Government, they realised -

Ms Forrest - They did not always try to suspend Standing Orders to get it read straightaway. Occasionally, but the bill was not done on the last day every time. There was just so much of it, that was all.

Mr FINCH - At least the Government has done away with that process, where we end up sitting into the night. Family-friendly hours went out the window while all this urgent legislation banked up. At least this Government does not have us going through that process. This is the odd one out. The member for Murchison has always dug in on the suspension of Standing Orders. It is not about us. It is about what is happening in the other place that makes it disorganised.

I am reluctant not to support what you are trying to achieve. I think I have talked myself into not supporting it.

[4.15 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I concur with the member for Rosevears. It was not that long ago that the member for Murchison actually agreed to suspending Standing Orders for the Dog Control Amendment Bill because there was a reason for that, and she outlined that reason.

The reason for this, again, is that we are not going through good parliamentary process. This is not a time-sensitive bill, so I will not be supporting this suspension.

Mrs Hiscutt - This is a parliamentary process we have been doing at this time of the year for the past four or five years.

Mr GAFFNEY - Yes, but that is not a reason for it to continue if it is wrong.

Mrs Hiscutt - I am not out of order, is what I am saying.

[4.16 p.m.]

Mr VALENTINE (Hobart) - Mr President, when we were dealing with a particular bill, I was concerned that ministerial power might be a bit untoward and I was convinced that is not the case.

When I see that we are now expected to pass this, through the suspension of Standing Orders, I wonder why that is necessary.

Mrs Hiscutt - You are not expected to; I am just asking if you would.

Mr VALENTINE - I appreciate that, but what is the rush? That worries me a little in this instance, is why this has to be passed today as opposed to being passed in March when we come back next year.

I know it is not the Leader; she is requested to do these things. In a lot of ways, it is not necessarily her wish that it be rushed, but I am concerned, when we have a bill like this, what else might be behind it.

I am not going to support the suspension because I have not been given a reason for it needing to be rushed, unless the Leader wishes to address that.

The Council divided -

AYES 5	NOES 8
Ms Armitage	Mr Finch (Teller)
Mr Armstrong (Teller)	Ms Forrest
Mr Dean	Mr Gaffney
Mrs Hiscutt	Ms Lovell
Ms Howlett	Ms Siejka
	Mr Valentine
	Ms Webb
	Mr Willie

Suspension of standing order negatived.

DISPOSAL OF UNCOLLECTED GOODS BILL 2019 (No. 16)

Second Reading

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

That the bill be now read the second time.

The Government is always mindful of the regulatory burden that is daily placed on the shoulders of businesses, in particular small business, in complying with the raft of regulations that affect their activities.

Outdated or unnecessarily complex rules can be a significant burden for Tasmanian businesses, while conversely, we are also aware of the need to create clear and workable arrangements to protect the interests of consumers.

This bill achieves a fair and practical balance between meeting the needs of businesses in dealing with the disposal of uncollected goods, and protecting ordinary consumers who are often unfamiliar with their legal rights and remedies.

We have listened to stakeholder concerns regarding the current arrangements and sought to contemporise the law and bring our requirements into line with other jurisdictions.

The bill introduces a model similar to legislation operating successfully in Victoria, where a simple and cost-effective method of disposal of goods left at business premises is determined by the value of individual goods.

This position has been endorsed by the Red Tape Reduction Coordinator, as outlined in the 2017-18 Tasmanian Red Tape Audit Report.

The coordinator recommended that the legislation needed reform, and a model could be adopted where goods are disposed of relative to their value.

Consequently, the bill repeals the outdated Disposal of Uncollected Goods Act 1968 and replaces it with modern legislation, which provides appropriate and contemporary mechanisms for the way businesses can deal with situations where consumers fail to pay or collect goods that have been left at business premises.

Where contracting parties have not made arrangements for the collection of goods which remain uncollected after specified periods, this bill will make it simpler and more cost-effective for businesses to dispose of those goods and recoup any costs or financial losses associated with repairs, storage or insurance.

Examples of situations where a business has not received payment for their services and then is required to store those uncollected goods include:

- a towing business picking up a damaged car, but is not told by the owner what to do with it and it remains unclaimed;

- clothes left for dry-cleaning that are forgotten and never collected; or

- a motor mechanic who is asked to repair a car, but the owner never returns to pick it up and pay for the work done.

It is for these types of situations why clear and appropriate mechanisms are required, and why we are introducing this bill.

I will now turn to some of the key features and reforms made in the bill.

This bill introduces new provisions to specifically address uncollected motor vehicles and perishable items.

Motor vehicles are treated differently from other goods in the bill, as they are larger and often more expensive than other uncollected goods. This means that storage costs are significant for businesses that may not have the available space.

While the business may recoup these costs upon selling the vehicle, a vehicle in a deteriorated state may not cover the total cost of storage, sale and work done on the car.

To address these issues, the bill provides for the process that a business must go through before selling or disposing of the vehicle, including:

- conducting a personal property securities search to assess whether there are any secured or registered interests in the vehicle; and

- providing a receipt to the purchaser containing specified details, including the name of the owner of the vehicle and the registration or identification number.

Further, there is a need to treat perishable goods differently to other items, due to the nature of the goods having a limited handling and storage time until expiration.

Other jurisdictions, including the Northern Territory, the Australian Capital Territory, Victoria and New South Wales have provisions for perishable goods in their legislation in order to accommodate for the limited lifespan of the goods.

We have adopted a similar approach in the bill, by introducing a new provision specifically dealing with the disposal of perishable goods.

In addition, the bill also introduces simplified procedures for the disposal of all other types of uncollected goods.

This includes provisions that where goods have been left uncollected for specified periods of time, they may legally be disposed of by businesses.

Before disposal, a clearer and simplified 'goods disposal notice' must be sent to the consumer, which will serve to protect the interests of both parties.

There is also no longer a requirement to notify the Commissioner of Police prior to the disposal of goods.

Mr President, the method of disposal available to businesses has also been amended in the bill.

Currently, businesses are required to only sell goods at a public auction and must be retained for a total period of seven months, regardless of whether the goods are of low or high value.

The bill amends these provisions by providing the ability for private sales to be used, even for high-value goods, if it is the best method of disposal in the circumstances to achieve a fair market value.

The required holding period that businesses must retain the goods has also been shortened.

The exact method of disposal is determined by the procedures in the bill and the individual value of the goods, which is achieved through the introduction of 'value categories' of goods, with different procedures for the disposal of each category.

For example, for uncollected goods valued at less than $200, a business may dispose of the goods after 28 days if the consumer is provided a goods disposal notice, and does not claim them.

In the event the business is unable to locate or communicate with the consumer to give them notice of the intention to dispose, the business needs to wait 60 days from the time they became uncollected.

After the holding periods have passed, the goods can be disposed of by the business, using any appropriate means.

Importantly, the bill provides legal protections for any party involved in the transaction for the goods to be disposed:

- A purchaser receives 'good legal title' to goods sold under the act, which is free from any claim.

- A business that disposes of uncollected goods is not liable to others by reason of their disposal of those goods.

- Any money left over after the business sells uncollected goods and collects their charges and disposal costs, is then 'unclaimed money' to be dealt with under the Unclaimed Money Act 2015.

In order to protect the interests of both the business and the purchaser of the goods, businesses must keep clear and simpler records of how uncollected goods were disposed of.

For low-value goods, the required record keeping period has been reduced from six years to two years.

The bill also introduces the ability of the Director of Consumer Affairs and Fair Trading to make determinations about certain matters, such as -

- keeping the threshold dollar value of the 'value categories' up to date;

- deciding what are appropriate methods to determine the value of certain goods.

An example of using this approach would be an approval of a recognised motor industry price guide as being a fair means to determine market values of motor vehicles, rather than only relying on the seller's judgement.

To communicate the requirements of the new bill to businesses and consumers, an education campaign will be initiated by Consumer, Building and Occupational Services.

It is important to ensure that Tasmanian businesses and consumers alike fully understand their rights and responsibilities when it comes to dealing with uncollected goods.

This bill updates the legislative requirements to make it easier for Tasmanian businesses to dispose of uncollected goods, while ensuring there are appropriate protections for consumers.

These sensible reforms not only reduce regulatory burdens for business, but importantly modernises the rules and improves processes.

Mr President, I commend this bill to the House.

[4.34 p.m.]

Mr ARMSTRONG (Huon) - Mr President, I support this bill, which I note goes towards the Government's commitment of reducing red tape. I note this is to repeal the 51-year-old Disposal of Uncollected Goods Act 1968, and there is no doubt it needed updating. There is no doubt that that legislation is outdated, unnecessary and complex in today's time, and the new bill will result in a faster, simpler and more cost-effective disposal process for Tasmanian businesses and will bring the law into line with those in place in other jurisdictions. I note the Government has consulted on these reforms, which have received broad support from peak businesses and industry bodies, including the Tasmanian Automobile Chamber of Commerce, Tasmanian Chamber of Commerce and Industry and the Small Business Council. The bill appears to strike a fair and practical balance between meeting the needs of businesses and consumers. It also received tripartisan support in the other place so I see no reason not to support it.

[4.35 p.m.]

Mr VALENTINE (Hobart) - I support this bill. I do not see anything untoward in it and I think it is an improvement on what happens at the moment.

[4.35 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I thank the members for Huon and Hobart for their short contributions. I thank all members of the House for supporting this very important updated legislation.

Bill read the second time.

DISPOSAL OF UNCOLLECTED GOODS BILL 2019 (No. 16)

In Committee

Clauses 1 to 11 agreed to.

Clause 12 -
High value uncollected goods

Mr DEAN - This relates to the disposal of high-value uncollected goods. Here the receiver has to do certain things and cannot locate or communicate with the provider. Do we have to accept the word of the receiver that they have tried to contact the owner of the property? Does there have to be some documented information provided that satisfies that?

The other thing is, and I wonder why it is done this way, a receiver must not dispose of a motor vehicle. I have to refer to this at this stage to make my point here. If it is a high-value motor vehicle, certain other courses of action have to be taken, but if it is of high value and it could be

something of an equal value in other property or even greater value, that does not have to happen. Can you explain why that is the case? I will make this clear: under (2), just to go through it all -

> (a) the receiver cannot locate or communicate with the provider or the owner of the goods in order to give a goods disposal notice under subsection (1) after making reasonable attempts to do so; and
>
> (b) 180 days have elapsed since the goods became uncollected goods.
>
> (3) Goods must not be disposed of under this section otherwise than -
>
> (a) by way of public auction that is -
>
> (i) advertised at least 7 days …; or
> (ii) held over a period of at least 7 days …

I would also like an explanation on why it has to be advertised for at least seven days in advance and then held over a period of at least seven days. What is the difference there? That is so I have a clear understanding of that.

It then says that those goods can be disposed of at higher value than what a high-value vehicle probably is. If the Chair allows me to refer to clause 13 because that is part of the point I am trying to make.

Madam CHAIR - You can refer to it, you can ask questions about clause 12 if you need to refer to clause 13 to make your point.

Mr DEAN - I do -

> A receiver must not dispose of a motor vehicle that is of high value unless the receiver has obtained in relation to that motor vehicle a written search result under section 170(2)(b) of the Personal Property Securities Act 2009 of the Commonwealth.

Why do we not have to get some other positive information and identification that the persons cannot be located in relation to other high-value property? I think some of it could be obtained through other circumstances as well.

Ms HOWLETT - I thank the member for Windermere for his question.

Receivers must give a goods disposal notice and keep a copy; their business has to keep a record of all goods. More details have to be kept in relation to a motor vehicle and the business can be audited by the Director of Consumer Affairs at any time. Motor vehicles have additional requirements as they could be under finance as opposed to other value items such as diamond rings.

Mr Dean - That could be under finance.

Ms HOWLETT - A diamond ring could be, but it is not as likely as a vehicle. I do not think anyone would forget to pick up their diamond ring if they were having it cleaned at the jewellers.

Mr DEAN - The other question was under clause 12(3) -

advertised at least 7 days in advance; or ... held over a period of at least 7 days.

Could you explain that? Diamond rings or valuable property is sometimes under a contract of finance, and, of course, vehicles are. If that is the reason for it, why are we differentiating between, say, another expensive item that might be involved, a household item or personal item?

Ms Howlett - Could you give me an example?

Mr DEAN - I am not sure what you mean by high-value vehicle; is it covered in the act?

Ms Howlett - Different categories.

Mr DEAN - The actual value of those high-value properties and so on.

Ms HOWLETT - There is a low, medium and high value.

Mr DEAN - And it gives a dollar value of it. There is other property that could be equal and jewellery is a very obvious case. It could be of a similarly high value, so then it does not need to go through the further checking as is required in the high-value vehicle. I am getting that clear so I understand.

Ms HOWLETT - The bill only requires a search for registration of cars and vehicles, it does not require a finance search check for a high-value goods like a piece of jewellery.

Mr VALENTINE - Would it be because a motor vehicle is a controlled item? It could be considered stolen if somebody is using it.

Mr Dean - So could any other property.

Mr VALENTINE - Yes, but it has a VIN. It is a controlled item.

Ms HOWLETT - Engine number, yes, you are right.

Mr DEAN - I will stand a third time. I have asked twice now for an explanation on clause 12(3)(a)(i) and (ii).

Madam CHAIR - Do you want to re-pose the question?

Mr DEAN - What does it mean when it says -

(3)(a) by way of public auction that is -

(i) advertised at least 7 days in advance; or
(ii) held over a period of at least 7 days.

What does that mean? I do not understand that. Must it be advertised seven days before and then held for a period of at least seven days?

Ms HOWLETT - A minimum of seven days before an auction. The second part of your question refers to a rolling auction, for example, over a period of days. If you are going to a farm and selling machinery, that auction can go on for a period of rolling days.

Mr Valentine - Or eBay?

Ms HOWLETT - No, we are talking public auction; we are not talking private auctions.

Clause 12 agreed to.

Clauses 13 to 19 agreed to.

Clause 20 -
Proceeds of sale of goods under this Part

Mr DEAN - This refers to proceeds of sale of goods under this part. It says that if uncollected goods are sold under this part, the receiver is entitled to retain the relevant charge payable to the receiver for the goods and disposal costs. In that case the receiver is required to provide that when any residue of that money is paid in under the Unclaimed Money Act - to the consolidated revenue or to the government. Are they, at the same time, to provide an account of all their costs and expenses at the time the residue is then paid in through the Unclaimed Money Act 2015?

Mrs HISCUTT - Member for Windermere, the answer is yes. They have to provide and keep an account of the business costs that occurred.

Mr Dean - The full account of all the costs when the money is provided into the Unclaimed Money Act 2015?

Mrs HISCUTT - Yes, they have to keep a full record.

Mr Dean - Which is a separate arm of government. Is that through consolidated revenue?

Ms HOWLETT - Treasury and Finance.

Clause 20 agreed to.

Clauses 21 to 33 agreed to and bill taken through the remainder of the Committee stage.

DISPOSAL OF UNCOLLECTED GOODS Bill 2019 (No. 16)

Suspension of Standing Order 279

[5.02 p.m.]
Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) (by leave) - Mr President, I move -

> That so much of standing order 279 be suspended to enable the bill to now be read the third time.

I ask the members to agree to this motion as today is the last sitting day for 2019 and as this motion is in line with past practice.

Further delay in commencement will result in added costs and burden to business over a busy period, unless we can nip this in the bud now.

Ms FORREST (Murchison) - Mr President, I will not be long on this. I will be opposing this suspension of Standing Orders. I have made it really clear time and time again that I will consider everything on its merits where there is an urgency about it. The Deputy Leader's comments suggest no urgency whatsoever. Goods that are being held at the moment are being held over Christmas. People are too busy to try to sell them over Christmas and they are running a business. How ridiculous to suggest otherwise.

If matters are really urgent, put the case. If the Government really believes it needs to be dealt with, there is no reason a quorum call could not be scheduled for tomorrow. Most of us will still be around, anyway. If it was that urgent, follow the proper process. There is a process in this place for a reason. There is a time for mature debate. We have come unstuck at times when we rush things through. I instance again the tax reform bill that had the fibs in it, the Foreign Investment Duty Surcharge - that real issue came to light after it was rushed through under suspension of Standing Orders.

There is a time to consider the bill between debate in the second reading and through the Committee stage, the time to mature overnight, and, if anything does come up you have to actually address it. We just ram it straight through and there is no time. I do not believe this actually needs a quorum call. I do not believe it is imperative it is dealt with right now. The sky is not going to fall in if we wait until March. The added burden is minimal, if any, over the Christmas period with people trying to auction off items. Who is going to have time to auction off items over Christmas? Seriously.

I will not support the motion in terms of consistency of approach and willingness to consider every issue on its merits.

[5.04 p.m.]

Mr DEAN (Windermere) - Mr President, I did raise with the Leader that you should recall us tomorrow. You now have two bills on the list that we would get through. The member for Murchison said we will be here. I do not see any reason for that because I cannot see anything wrong with passing this bill now. I am not sure what maturing it overnight will do. The request for a suspension of Standing Orders is a perfectly lawful requirement. It fits within our Standing Orders. It is provided for. We dealt with suspensions in this place with the previous government on many occasions. We have also done it with this Government on occasions. There comes a time when common sense has to apply. If issues were raised about this bill that were contentious, I would not support a suspension of Standing Orders. However, nothing contentious has been raised about this bill at all. There were few speakers on it in the second reading. One went for about 10 seconds, the other one went for about 30 seconds.

I do not see anything wrong with the bill going through on a third reading tonight and the suspension of Standing Orders. I ask members to treat this on its merits and move it through, otherwise I would say to the Leader: recall this Chamber in the morning.

[5.07 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I say to honourable members that the process of doing the third reading on the last sitting day of the year is a motion in line with past practice. The usual thing is that I move that and the member for Murchison says her bit, as she always does, and the motion is accepted. I do not know why things are so different this year. I cannot recall parliament tomorrow to deal with this. I have been advised that it needs to sit a little longer because you cannot do it at quorum call, but I might consider it for one day next week.

The Council divided -

AYES 5	NOES 8
Ms Armitage (Teller)	Mr Finch
Mr Armstrong	Ms Forrest
Mr Dean	Mr Gaffney (Teller)
Mrs Hiscutt	Ms Lovell
Ms Howlett	Ms Siejka
	Mr Valentine
	Ms Webb
	Mr Willie

Suspension of standing order negatived.

ADJOURNMENT

Leader of the Government - Christmas Wishes

[5.14 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, it appears it is that time of the year again - it is Christmas time, and how quickly it comes around.

Members, I know the President will send particular cheers and thankyous to people on our behalf so I will leave most of the Christmas cheers to the capable man in the big red chair. I would just like to take this opportunity to say a few thankyous of my own.

First, I start by saying that it is absolutely lovely to have the member for Prosser joining me. I do not think there has been a deputy here for quite a while - Mr President might be able to help me, but I think not for seven or eight years, or something like that. It is lovely that the position is finally filled.

I thank you too, Mr President, for your very good counsel over the year. You are very congenial, very hospitable and you have a calm nature about yourself. You provide sound advice and I appreciate that. I also appreciate the odd little Hellyers Road from time to time; it is very good.

I also thank our trusty advisors, who give us very good advice over the year - David Pearce, Catherine Vickers and Stuart Wright, of course. Thank you very much for all your solid advice

over the years. It is very good for me to say quickly in someone's ear, 'What happens here?' and get good, solid advice.

Mr President, it is always lovely to stop in and have a chat with Nicole Muller; I see her in the Chamber from time to time. I have to say I miss her lolly jar, but having said that, I note that Vickers now has the default position in her office, for anyone who did not know that.

Deb from Hansard, thank you very much for turning up; thank you for your tolerance, your patience and your persistence. I think you had a very late night last night, but thank you for being here this morning when we needed you.

Mark Baily, who is just about to leave the room, I really appreciate the way you have looked after me. There is just one small issue that I will discuss with you off the record. Other than that, I really appreciate the assistance you give me. You are very sensitive to my needs when I am up here.

You have all done a wonderful job of looking after us, especially me, and I appreciate that and thank you all.

Mr President, the support I receive from my office is second to none. I have full confidence in my team. I would like to make a few comments about a few of them. I will start with Will Coats. Honourable members, he has done the absolute best he can to get the answers to the questions that you ask. I did put on *Hansard* today the process we go through to get those answers to questions, and I do see Will stressing about them from time to time. There is usually a good reason it cannot happen, but I noticed the other day in his desperation he said, 'Leader, can you come with me for a walk?' We walked up to the ministerial offices and we haunted and hunted, and we did find a few answers on that day. Will, I thank you for your persistence there.

Jonathan Wood - he is different kettle of fish, isn't he? He is excellent, he is solid and he provides sound advice regardless of whether it comes from Vader or his chooks. When we discuss issues, there is no beating around the bush, there is no holding back with our deliberations. We cover all the bases until we come to a final decision, and I appreciate that. He is always there at the end of the phone for me, whether it is early in the morning, on the weekends or late at night, he will answer.

Mr Dean - He has rung me on the weekend a few times.

Mrs HISCUTT - I certainly want to say thank you to Jonathan and tell him how much I appreciate that.

Of course, there are the utility officers - Shane Watterson and the two Gayes. The two Gayes are a delight to listen to with their cheerful chatter and laughter. I can hear it when they come to visit Mandy's office and I always sit there and think, 'Isn't that a delight to hear that laughter?'

Mr President, Mandy Jenkins - what can you say about Mandy? You all know how special she is to me - she is my constant. She always gives good advice without fear or favour, and we workshop that, for want of a better word; procedurally speaking, she provides it all. She never goes wrong and if she thinks there is something wrong, she will seek the advice we need. Many thanks to you, Mandy - I thank you for your loyalty, I really appreciate it.

Mr President, there have been some notable faces that have come into the Leader's reserve over this year. I need to thank all my advisers. They are integral to me for getting bills through this place, as you know. There has been a particularly heavy workload from the Attorney-General's Office this year, so this year we have seen a lot of Tim Mills and Sean Hollick, who was in the Chamber here earlier, and Amber Mignot, who has been here before.

Can you all remember, members, when we were doing the wagering bill - that was with Tim Mills - and all of a sudden someone asked a question, probably the member for Windermere, to which we did not have the answer. All of a sudden one of their phones went ping, and there was Inspector Luke Manhood. Does the man have a life? He was texting answers in from his home. How keen is that? Inspector Manhood, I certainly appreciated it.

Alex Tay and his team were other notable contributors over this year. Alex had a marathon run yesterday. Nearly the whole day was spent on one clause, on one bill, and he did very well.

Behind the scenes I had an awful lot of help from Daniel Gillie. I want to give Daniel a special thanks. He is my fallback guy; he is very much behind the scenes so members do not see him or have much to do with him, but I certainly do. Daniel, I thank you for your good, sound advice also. Indeed, Mr President, it is well done to all my advisers over the year - I thank them for that.

Mr President, I also thank my home office, Meg. She is very capable of covering on all problems while I am away in Hobart. Thank you, Meg.

Mr President and honourable members, tempers and nerves can get a bit frayed at this time of the year. I just have one thing to say to you all: take care during this break from parliament. Do get a well-earned rest. Good luck with the baby. Let us get ready to jump into 2020 with a positive attitude to do the best we all can, as a group, for the people of Tasmania.

Members, Merry Christmas and enjoy your break.

Members - Hear, hear.

Mr PRESIDENT - Thank you, honourable Leader. I, too, would like to thank a few people and I think -

Mrs HISCUTT - Mr President, before you continue, I move -

That the Council do now adjourn.

President's Christmas Wishes

Mr PRESIDENT - Before we adjourn, Leader, thank you for that contribution. On behalf of all members here particularly, thank you because you have a pretty tough job. I have heard from other people that it is probably one of the most demanding jobs in the parliament. I know that from time to time you are put under pressure and pulled from pillar to post, but you maintain a smile and just push through at times. I think every member here appreciates that.

Certainly, to your backup staff, we all really appreciate the work that Mandy in particular does. She is like a member of this little Legislative Council family we have here in the Chamber. Mandy

is just such a great person to liaise between the Leader's office, the President's office and with any members who need assistance through the Leader's office. It is quite tough at times organising all the briefings and getting people in, but it is done on time. In particular, you allow members to be briefed as much as they want, which is a good position to have as we often have to adjourn to go back into briefings. I am sure all members appreciate that.

I particularly thank the Legislative Council staff. Of course our wonderful steady hand at the tiller, our Clerk, David Pearce, who is one of those special sort of people who has all the knowledge and advice and is very modest. This is probably making him feel quite uncomfortable.

I will move on to Catherine Vickers, our Deputy Clerk, who just laps up the praise, who has been a wonderful Deputy Clerk for us all in the way she works together with David.

Our Black Rod, Stuart Wright, looks after our committee people.

We must also thank our secretariat staff: Natasha, Julie, Ally, Jenny and Gabi. We have done quite a lot of committee work this year and have been very ably assisted. I think all members will have stories about putting them through absolute hell at times on committees, with long days, and demands for getting people into our committee to give evidence. They do such a fantastic job without complaining.

I thank Sandy Phillips. I think it has been a little bit of a shock for her with a new President, but she seems to have adapted pretty well. Debbie Cleaver in my electorate office and Scott Wiggins are the three people I probably work closest with. I thank them for their support over this year, particularly since May when things changed.

Hansard staff record us and do a tremendous job. It must be difficult at times, but they do that. They work out exactly what we are trying to say when we use words like discombobulated and other great manufactured pieces of English language. We particularly thank Deb who sits in here with us and has to maintain a dour look when we are trying to get our thoughts out - sometimes with some difficulty, but there is never a smile, a grin or a frown, so we thank you, Deb.

Of course, Parliamentary Computer Services - we quite often, apart from the younger members here, have issues with our IT - are always very friendly and willing to help. They have made several improvements to the IT system over the last 12 months to enable better access to our broadcasting in particular, which is very important. If you miss it live, you can always go to Kerry view and pick it up at a later date. We thank Peter and all the IT staff who are very important. They broadcast us too so they give the nice shots and cutaways we need; they put a little bit of extra effort into it.

The Parliamentary Library, Marijana Bacic and staff and, of course, Bryan Stait, who is quite a legend around the parliament. He is one of those people you can ring up and say, 'Can you help me with some research on a particular topic?', and he will not stop until he has found it. We are very fortunate to have such a good Parliamentary Library and Research Service and I know all members here use it and appreciate it extensively.

The Parliamentary Dining Room - some of us support them a lot more than others, particularly during the luncheon break.

Ms Forrest - Some of us have committee meetings.

Mr PRESIDENT - Yes, some of us. It is important to support it. Having been around a couple of other parliaments in the last year, I know that our dining room is very good. It is a small dining room but we always have such a good range of food. I know Mandie tries to cater for everyone, even the people who just like sausages and mash - the members for Windermere and Rosevears, in particular. Mandie runs a great ship down there. John cooks up different things and makes it interesting for us. Jacqui and the others look after us at the table and we are very fortunate to have such a good dining room and staff.

We have a great little bistro down there. Jo goes to the extremes to make us all feel welcome, she decorates for Christmas, comes up with new little snacks and bits and pieces. Jo and the girls do a fantastic job down there. I know it is a great place just to escape to. It is a good environment and they do a good job and we all appreciate what Jo does for us.

Of course, we must thank Mark Baily, who is almost part of the furniture. He is probably the second-longest serving item here apart from Queen Victoria's painting up there. He keeps us entertained and up to date with all the papers and water and whatever we need. Leigh also fills in at times along with our reception staff - Robyn and Mandy who are very good at passing our calls on and answering the phone to the constituents who ring in and are chasing us up. We thank you also.

The Leader mentioned the maintenance and utility staff - Brendan, Shane and Gaye times two do a great job. They get to work to make sure our environment is clean and safe and we have a chat too. They are really good people and we are lucky to have such good people working in our parliamentary corridors.

I also want to thank all members for your support and friendship over the year and I wish you and your families all the very best for Christmas and the New Year season. The great thing about being in this wonderful Chamber is that no matter what happens, we leave at the end of the day as good friends and that sums it up.

Mr Dean - Mr Craig Thorp.

Mr PRESIDENT - Thank you, Ivan. Please interject if you think I have missed someone out.

Mr Dean - He does a great job.

Mr PRESIDENT - Craig Thorp does a great job up there. Craig Thorp looks after our vehicles and makes sure we -

Mr Valentine - Change them.

Mr PRESIDENT - The great thing about being part of this Chamber is that when we leave at the end of the day we can socialise. What happens in the Chamber stays in the Chamber. We all have different opinions on different things but we manage it very well. You do not need to look too far to see a contrast and to see how lucky we are to be in this wonderful place.

Question Upon Notice - Delay

[5.32 p.m.]

Mr FINCH (Rosevears) - Mr President, it is unfortunate to bring a negative into what have been terrific contributions from you and the Leader.

I want to reflect on something that occurred today. At the notice of question there was some confusion regarding the availability of the answer to a particular question the member for Murchison asked. It was question upon notion No. 5 on the Notice Paper and it was asked in August.

I wondered why it has taken so long. That was 114 days ago. By the time we come back to parliament, that will be another 90 days and it will be 204 days without the question being answered. Member for Murchison, have you received a courtesy call to say there has been a delay? It is a complicated question. If it is difficult, why would the Government not contact the member for Murchison and inform her they are finding it very difficult and will need more time to get an answer?

I will give you the number of days within which the Houses of parliament throughout Australia are required to provide an answer back to that particular House - House of Representatives, 60 days; Senate, 30 days; New South Wales Legislative Assembly, 35 days; New South Wales Legislative Council, 21 days; Victorian Legislative Assembly, 30 days; Legislative Council of Victoria, 30 days; Queensland Legislative Assembly, 30 days; South Australian House of Assembly, 30 days; Legislative Council of South Australia, 30 days; Western Australian Legislative Assembly, one calendar month; Western Australia Legislative Council, nine sitting days; ACT Legislative Assembly, 30 days; Northern Territory Legislative Assembly, 30 days; Tasmanian House of Assembly and Tasmanian Legislative Council, no time specified.

The only two Houses in Australia that do not have a specified time are in Tasmania. I suggest that when the Standing Orders Committee next sits, it might just review that circumstance. The gold standard would be the New South Wales Legislative Council, which requires an answer back within 21 days. I will read the detail.

This is the procedure when questions upon notice are not answered within the specified number of days -

> If an answer to a question on notice is not received within 21 calendar days, the President is to inform the House on the next sitting day the details of any question not answered. The relevant Minister must immediately explain to the House the reason for the non-compliance.
>
> If, after the explanation in the House, the Minister has not submitted an answer within three sitting days, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a written answer is submitted.

That is the gold standard. That is the importance of the process. That is the courtesy. That is the legitimacy in the Westminster system of being able to ask questions upon notice. In Canada there is an inquiry into the non-answer of questions or if they are delayed for too long. I was aghast that the question was asked in August and we are finishing up this year without even the courtesy of an apology about the delay.

Motion agreed to.

The Council adjourned at 5.35 p.m.