PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Wednesday 27 October 2021

REVISED EDITION

Contents

Wednesday, 27 October 2021

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

ABSENCE OF MINISTER

Minister for Sport and Recreation - Ms Howlett MLC

Mr GUTWEIN (Bass - Premier) - Mr Speaker, I advise the House that the honourable Jane Howlett MLC will be absent from the House today due to illness. I will be taking any questions on the minister's behalf relating to portfolios of Sport, Recreation, Racing, Women and Small Business.

STATEMENT BY PREMIER

Tasmanian Commission of Inquiry into Child Sexual Abuse - Update

Mr GUTWEIN (Bass - Premier) - Mr Speaker, the other matter I will speak about briefly is the Commission of Inquiry into the Tasmanian Government's response to child sexual abuse in institutional settings.

When I became Premier, I said my Government would be a government of conviction and one of compassion. That is why we did not hesitate to go where no government in Tasmania has gone before, by establishing a far reaching, broad ranging Commission of Inquiry into this very important matter, regardless of how difficult we understand it will be.

When it comes to child safety in institutional settings, we simply need the complete picture however challenging that complete picture might be.

The inquiry is working exactly as it should. People are coming forward; brave people who feel safe to step forward because the process is there to support them. Importantly, to each and every person who reports action and tells their story, I acknowledge them and thank them for being so brave. Whether these are historic or current issues, I offer my deepest and most heartfelt apology to all victims.

Today I need to advise the House that there are four further allegations which have been made against State Service employees. Two of these are contemporary matters, while two relate to historical matters. That brings the number of state servants stood down since October last year in relation to allegations, both historical and contemporary, to 24.

Of the four that I am alluding to in the House today, three are in the north and one is in the south. All four employees are being stood down to allow the appropriate process and investigations to take place.

In line with standard practice, our open disclosure record will be updated as soon as possible this afternoon.

It is my view that by fostering processes that encourage people to step forward, we will see more cases. This should come as no surprise to anyone. We need to shine a light on these matters, rather than leave them in the dark.

Furthermore, in line with this, I confirm that due to the Commission of Inquiry public hearings being unavoidably delayed, we will take advice from the commission in relation to any extension that they may need to complete the very important work that they are doing.

RECOGNITION OF VISITORS

Mr SPEAKER - Honourable members, before we start question time, I acknowledge the presence in the gallery of the years 3 to 6 students from the Sprent Primary School. Welcome to parliament.

Members - Hear, hear.

QUESTIONS

Tasmanian Commission of Inquiry into Child Sexual Abuse - Implementation of Key Recommendations

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.04 a.m.]

Yesterday in her opening address to the Tasmanian Commission of Inquiry into the Tasmanian Government's response to child sexual abuse in institutional settings, Commissioner Marcia Neave said:

> Some key recommendations have not yet been implemented by the Tasmanian Government and we are keen to understand why.

That was in relation to the royal commission. I asked yesterday, why your Government had failed to implement some key recommendations. You said that you would review what was said so you could provide a more detailed response.

Now that you have time to review the comments by the commissioner, can you outline which of the key recommendations of the national royal commission have not yet been implemented and why they have not been implemented?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for her question. As we are aware, on 15 December 2017 the royal commission released its final report containing the royal commission's recommendations. It was a lengthy report across 21 volumes. It makes 409 recommendations to improve the prevention, identification and response to institutional child sexual abuse.

Of the 409 recommendations, 307 are relevant to Tasmania; the remainder are relevant to other jurisdictions, to the federal government or non-government religious institutions. Of the 307, 198 recommendations have been substantially or fully implemented to date with the remaining matters continuing to be progressed. We are progressing these as quickly as we can, noting there are a significant number of complex recommendations that require significant work.

It is important to note that Tasmania releases a progress report each year outlining where we are up to with the reforms. We continue to build on those commitments throughout each reporting period. Our Government acknowledges the immense courage it takes for survivors to speak about their experience. We take the safety of children extremely seriously. There is nothing more important than ensuring the vulnerable in our community are protected. To this end we continue to support all survivors of historic child sexual abuse.

The royal commission highlighted the failings of the past and provided institutions with a body of work that will help us to protect our community's most vulnerable from the impacts of abuse. Our Government remains committed to better protecting our children. The final report released by the royal commission will help shape the future with reforms to achieve this.

On 20 June 2018, our Government tabled its response to the Royal Commission into Institutional Responses to Child Sexual Abuse. On 15 December 2018 our Government released its third annual progress report and action plan for 2020 on implementing the royal commission's recommendations. The progress report builds on the foundations of the previous two reports.

The latest progress report demonstrates that we have progressed a number of significant projects, including implementing a three-year pilot into a witness intermediary scheme to support Tasmania Police in Tasmanian courts and improve access to justice for children and vulnerable adults. We are developing a child safe organisation's legislative framework for Tasmania that incorporates the implementation of child safe standards.

In the reporting period we also introduced legislation that removed outdated terminology for sexual offending in the Criminal Code Act 1924. These reforms were undertaken in response to community concerns and are an important step in recognising the realities of child sexual abuse.

We have also made significant progress in several projects which will continue through 2021 including progressing nationally-consistent legislative amendments to tendency and coincidence laws; implementing a legislative child-safe organisation framework progressing the redevelopment and, as I have said, now the closure of the Ashley Youth Detention Centre and the Transition Plan, finalising the implementation of Tasmanian standards for children and young people in out of home care.

It is anticipated that the next progress report will be released by December of this year. Obviously we will engage with the commission of inquiry regarding any questions they may have in terms of our progress.

Ashley Youth Detention Centre - Safety of Children

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.08 a.m.]

The opening session of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings has heard that although your Government has announced Ashley Youth Detention Centre will be closed within three years that simply might be too long for the vulnerable children housed there.

We know the majority of staff are doing their best to create a safe environment for children but nonetheless yesterday Counsel Assisting, Maree Norton, told the inquiry that it would be alleged that staff at Ashley have covered up abuse and that they have destroyed records.

What are you doing and what measures have you actually put in place on the ground to ensure that children and young people still housed at Ashley are safe while the facility remains open for the next three years at the same time the commission has foreshadowed such damning allegations? What are you doing to ensure the staff are supported through this difficult period?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for her question.

Before I answer that question, I will correct a matter regarding the four employees that we have stood down. Rather than three being in the north, three are in the south and one is in the north.

In terms of the President's and Maree Norton's comments on where we stand on Ashley, I make the point first and foremost - and I hope everyone in this place is of a single mind - that we need to get to the bottom of this.

I note, back in 2003, when the Greens first moved a motion to have an investigation like this, I supported that matter. It is something I have wanted to see for some time. Now, as Premier, we have the opportunity unfortunately - and I say unfortunately because I wish that it was not required - to introduce a commission of inquiry.

As a government, we will engage fully with the commission. Importantly, I hope that politics are not played as we work our way through this. This is a matter for the commission to work through and to provide advice to government. As I said, I hope that everyone in this place, like every reasonable Tasmanian, would want to see the safety of children first and foremost as the overarching aim.

Ashley Youth Detention Centre: again, the question broadly follows on from what I responded to the House yesterday, in terms of both the transition plan and the steps. I am happy to repeat them. The comments made yesterday by the commissioners and by counsel supporting the inquiry raised a lot of questions. They have couched them in language, such as 'may' or 'could'. I think we need to allow them to take the steps they need to do their work, first and foremost.

Importantly, as I said yesterday, in terms of Ashley and the transition plan and what would be put in place and what we had currently done, I will again provide that information to the House. Obviously, the starting point is that the Department of Communities Tasmania is developing the transition plan which will detail our approach to the transition away from Ashley, for the development of the new infrastructure, the two new centres and the process towards an improved youth justice system.

As I said yesterday, departmental executives have visited the site and are working to ensure staff are supported. The Government has also commenced engagement with the Commissioner for Children and Young People as well the Custodial Inspector, Richard Connock. As part of this engagement the Government has asked the commissioner for Children and Young People to provide a proposal for additional independent advocacy for young people detained at Ashley, which the Government will resource. The commissioner is undertaking this work as a priority.

In the interim, the commissioner has advised that she will visit the detention centre regularly. It remains the case that young people at Ashley can contact her by phone and request her advocacy, should they need it. In summary, transition planning and engagement with key stakeholders is underway and we expect the plan to be publicly released in coming weeks.

The Department of Communities Tasmania continues to advise that the young people currently at Ashley Youth Detention Centre are safe. If necessary, increasing supports will be provided. We will work through this sensibly and responsibly. It is a difficult matter to deal with but we have made that decision that we will be transitioning out of Ashley. We will take the steps necessary to ensure that children detained there are kept safe and that we do so in a sensible and responsible way moving forward.

Tasmanian Commission of Inquiry into Child Sexual Abuse - Implementation of Key Recommendations

Ms O'CONNOR question to ATTORNEY-GENERAL, Ms ARCHER

[10.14.04]

Yesterday during the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, counsel assisting, Maree Norton, said:

> We will examine concerns regarding the Tasmanian Government's lack of response to key recommendations of the National Royal Commission, in particular, limited progress has been made on the introduction of a reportable conduct scheme, or the implementation of the National Principles for Child Safe Organisations, which were endorsed by COAG in 2019.

Why have these key recommendations not been acted upon? Can you tell the House when they will be? When will the House see, for example, legislation implementing a child safe organisation framework? Also, what is the time frame for full implementation of the royal commission's recommendations?

ANSWER

Mr Speaker, I thank the Leader of the Greens, Ms O'Connor, for her question.

As the Premier has rightly pointed out, of the 409 recommendations from the national Royal Commission into Institutional Responses to Child Sexual Abuse, 307 are relevant to Tasmania. The remainder are relevant only to other jurisdictions, the federal government or non-government religious institutions.

I am pleased to report that 198 recommendations have been substantially or fully implemented with the remaining matters continuing to be progressed. I want to explain this before I get to your child safe question.

Of these outstanding recommendations they are of a complex legal nature that involves substantial reforms to existing systems; for example, the need to appropriately balance the privacy of individuals with the information-sharing elements that underpin a significant proportion of these remaining recommendations, or they are multi-faceted recommendations that need to be considered in the Tasmanian context. However, the scoping and analysis work is underway to ensure these recommendations can be effectively implemented in Tasmania to achieve the intended outcomes, which is to protect the safety of Tasmania's children. This is complicated work and it is important that we do not rush it. We need to make sure that the changes are appropriate and that we get it right.

That brings me to your question about child safe organisations. We have already committed to introducing a legislative framework that ensures organisations providing services for children prevent and appropriately respond to child sexual abuse.

The draft child safe organisations bill 2020, which proposes to create a stand-alone piece of legislation and establish the principles for the safety and wellbeing of children and child safe standards, was released for public consultation between 22 December last year and 19 February this year. The bill outlines the proposed approach to implementing key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse by establishing the principles for the safety and wellbeing of children and the child safe standards.

Ms O'Connor - Why is it taking so long?

Ms ARCHER - I am getting to that, Ms O'Connor.

The 22 submissions received are currently being reviewed by the Department of Justice with options continuing to be developed in order to be provided to government for consideration. Together with the Minister for Children and Youth, I recently met with the Victorian Principal Commissioner for Children and Young People and the Tasmanian Commissioner for Children and Young People. That meeting was at the request of our children's commissioner to learn more about the Victorian model and consider any further options that may be suitable for the Tasmanian context.

It is important that we take that Victorian model into consideration. It was as a direct result of our Commissioner for Children and Young People. The draft legislation that we currently have put out for public consultation might need to be amended to suit that better model. I have spoken to our commissioner and we would prefer to have a much better

framework and legislation and ensure that we adequately consult on that with any further submissions that need to be made. We will get that work done as quickly as possible.

I intend to ensure that we have legislation before this House despite the work of the commission of inquiry. It may well be once there are recommendations coming out of the inquiry that further work may need to be done to that at a later stage, but we will not be delaying that. The only delay has been to ensure that we have a model that is best practice, best standard, across our nation. To that end I have been asked by our Commissioner for Children and Young People to look at the Victorian model and that is exactly what we are doing.

Tasmanian Electoral Commission - Resources

Ms JOHNSTON question to ATTORNEY-GENERAL, Ms ARCHER

[10.19 a.m.]

You are well aware that Tasmania has the weakest integrity laws in the country. We now have a Tasmanian Electoral Commission (TEC) report which finds that successive Tasmanian governments may have carried out, and I use the commissioner's words, 'indirect electoral bribery' for the distribution of grants at election. The Integrity Commission also found that the TEC has been hamstrung by lack of specific powers and resources to the extent that it is not possible for it to enforce compliance with our corrupt practice provisions of the Tasmanian Electoral Act.

Surely you agree this is a disgraceful state of affairs. Will you guarantee the proposed electoral matters bill will provide real teeth and direction for the TEC to investigate corrupt practices? Will you immediately approve adequate funding for the Tasmanian Electoral Commission to carry out its statutory responsibilities? It will be a start in restoring faith in the political process.

ANSWER

Mr Speaker, I thank the independent member for Clark, Ms Johnston, for her question. The Government notes the release of the Integrity Commission summary paper regarding Tasmania's Electoral Act offences in campaign conduct. As is always the case, we will consider the report. It is usual practice.

However, it is important to note that we are already taking action to strengthen the Electoral Act with feedback on the two bills we have released for public consultation out there, namely, the electoral disclosure and funding bill 2021 and the electoral matters (miscellaneous amendments) bill 2021.

Like every political party and candidate, we take into account a range of views when developing election policies. This includes getting out on the ground in local communities and hearing firsthand what they need to thrive into the future. Claiming that there is something less than fair about the practice of any one person promising funding to local communities' facilities is disingenuous.

I ask the member for Clark which local community facilities fund that we had in the 2021 initiative, funded in Clark, for example, that she would not support. Which of the -

Members interjecting.

Ms ARCHER - There was $165 000 to Sandy Bay Bowls Club, $20 000 to the Glenorchy Cricket Club -

Members interjecting.

Mr SPEAKER - Order. I cannot hear the Attorney-General. Order.

Ms ARCHER - $114 000 provided in the budget for upgrading toilet facilities and resurfacing of the carpark area at Glenorchy Community Care. Was that election bribery? Is the member now saying there was something untoward about those promises? Is she saying, in seeking reform in this area, that a third independent party like the Tasmanian Electoral Commission or the Integrity Commission should have a say prior to any election promise being made by a candidate during an election campaign? It is bizarre.

The bill we have out for public consultation implements recommendations as part of recommendation 1 and 2 of our electoral review final report. For the benefit of the member who is now in this place, the final report makes 11 high-level recommendations for proposed reform to modernise our current system and create a political donations disclosure regime specifically for Tasmania. The review involved two rounds of public consultation and has already led to amendments to the Electoral Act, which commenced in 2019.

The recommendations in the final report broadly fall into four areas, namely: recommendations of a technical nature that will ensure our electoral system is effective and contemporary; recommendations relating to a new disclosure regime for candidates and political parties; recommendations relating to the regulation of third-party campaigners, donors and associated entities; and a recommendation in relation to the public funding of election campaigns.

Our Government is committed to ensuring Tasmanians have confidence in our electoral system. A key promise of this is ensuring that our electoral system is fair, transparent, effective and contemporary. That is why the Government supports, in-principle, all the recommendations of that final report and has already commenced the preparation of urgent draft legislation. I can advise the member for Clark that the electoral commission is working very closely with the Department of Justice on the development of this legislation.

In relation to their capability and resourcing, as I already advised previously when we announced our reforms, the Premier and Treasurer has discussed with the Tasmanian Electoral Commissioner and reassured him that all necessary resources will be made available to enable our reforms to occur. We understand that this will be a major change to the Tasmanian Electoral Commission and we will consult closely with it on how best to transition to the new arrangements. Our Government has always maintained that should the TEC require additional resources to carry out its functions, we will consider this through the normal budgetary processes.

I hope that the member for Clark, rather than just post on her Facebook a pre-prepared Facebook post criticising the Government that she takes on board that we are acting in relation to electoral reform, that we have taken on board all of the recommendations of the Electoral Act Review final report, and she does not simply report what she wants.

Securing Tasmania's Future - Economic Update

Ms OGILVIE question to PREMIER, Mr GUTWEIN

[10.25 a.m.]

Can you update the House on how the majority Liberal Government's clear plan to secure Tasmania's future is working and what others are saying about Tasmania's economic performance? Is the Premier aware of any alternative approaches?

ANSWER

Mr Speaker, I thank Ms Ogilvie, the Liberal member for Clark, for that question and her interest in this very important matter.

It is no wonder the Greens are not happy with this. We are going so well. Unfortunately for the Greens, the unemployment rate is too low, we have too many people in work and there is too much going on in the state.

The plan is working, businesses are confident, Tasmanians are investing and jobs are being created. On Monday, CommSec's latest State of the State report for the September quarter has Tasmania leading the nation again, for the seventh quarter in a row. Tasmania is ranked first in four of the report's key economic indicators: construction; retail spending; relative unemployment - that is how many people we have employed; and dwelling starts. Retail spending is up 18.1 per cent above the decade average levels. Construction work, 24 per cent above the decade average. Dwelling starts are 88.5 per cent above the decade average - we have almost doubled it. Unemployment is down. Unemployment is at 4.8 per cent, which is 26.2 per cent below the decade average.

Employment is now at its highest level on record and growth in job vacancies has been the highest in the nation. There are jobs out there for Tasmanians and that is good. I am looking across at the Leader of the Greens -

Ms O'Connor - I am reading something. Sorry, I tuned out. I am a bit tired of self-congratulations.

Mr GUTWEIN - I thought you had your head in your hands.

Ms O'Connor - Well, I was, to shut you out a bit.

Mr GUTWEIN - It can get glary in this place.

CommSec said Tasmania has consolidated its top position, well ahead of other economies, and that there are few signs of Tasmania giving up the position as the top-performing economy in the next six months. NAB's monthly business survey for September found that Tasmanian businesses, once again, are the most confident in the country and we had the best business conditions. The September quarter Deloitte Access Economics' *Business Outlook* forecast that we will have the equal fastest-growing economy across the country this financial year, at 3.6 per cent.

These results do not happen by accident. They are a result of the right plan at the right time. In recent weeks, we have taken strong steps to protect the health and safety of Tasmanians. Unfortunately, we had to have a three-day lockdown in the south of the state as a result of the COVID-19 case we had. We did that with a snap three-day lockdown and because this comes at a cost, the Government acted quickly and within 48 hours of the lockdown ending, we had announced the Southern Tasmanian Lockdown Business Support Program. As of last night, there have been 1430 applications approved for a total of $1.33 million in support and further applications continue to be assessed. The program builds on the $130 million-worth of business support we provided last year, and the $50 million super-charged micro and small-business border grant programs we are rolling out at the moment for businesses impacted as a result of the border closures in New South Wales and Victoria.

Believe it or not - and I almost did not, even the Leader of the Opposition said something positive about our package. You are usually the prophets of doom over there. On 7 October on *Tasmania Talks* radio Ms White said: 'The feedback we have heard is that it is making a difference'. Well, that is not much - but we will take it.

Mr Speaker, I was asked about any alternatives and there are none. There are zero alternatives. As it was once said in this place, a 'big fat bagel'. One thing we do want to know is where the Labor Opposition stands on our plan to reconnect Tasmania. What are they going to do with that? Play politics -

Mr SPEAKER - Premier, if you could wind up.

Mr GUTWEIN - or back a sensible reopening plan that will see Tasmanians and those from interstate reconnecting in a sensible, safe way. When are we going to hear from the Opposition about where they stand on that? Or are we once again going to get zip, zero, a big fat bagel? There will probably be more of the same, and that is the whingeing and complaining that goes on.

COVID-19 - ICU Capacity on Border Reopening

Ms DOW question to MINISTER for HEALTH, Mr ROCKLIFF

[10.31 a.m.]

You have detailed three scenarios from the Kirby Institute modelling which outlined what happens when Tasmania's borders reopen on 15 December. Each includes restrictions, contact tracing and mask wearing. In each scenario, the requirement for ICU beds is greater than our current capacity of 34 beds across the state. Even with the surge capacity of 80 extra ICU beds, our hospitals will be under significant strain. Under these scenarios you outlined, are you confident we have enough staff and capacity in ICU beds to manage COVID-19 once Tasmania's borders open?

ANSWER

Mr Speaker, I thank the shadow minister for health for the question. I am confident that we are as prepared as we can be for a number of scenarios, if we have an outbreak here in Tasmania of COVID-19. We have seen the effects of the Delta strain across New South Wales

and Victoria. Our Reconnecting Tasmania Plan allows our state to open, while ensuring the health and safety nets are in place to keep on top of COVID-19 during the reopening phases.

The member referred to the Kirby Institute modelling. Based on that specific modelling for Tasmania, and based on our strong vaccination rates, we are confident that our state can reopen on 15 December and that our health system is as prepared as it can be. I expressed this last Friday. A significant amount of work has occurred over the past 12 months to ensure that our hospitals are ready. This includes adding 152 beds to our public bed capacity.

Members interjecting.

Mr SPEAKER - Order, the minister should be heard in silence.

Mr ROCKLIFF - We have been hiring an additional 655 FTE's since July last year, with further recruitment for new beds underway. It is more than 655 staff. We have our existing staff on ICU beds, and we also have the capability of people across our health system should they be required to support our ICU capacity. Our escalation plans also provide at their highest level for a surge capacity of up to 211 COVID-19 beds across the state, as well as standing up some 14 ICU beds. In addition, we now have two community care facilities: Fountainside in Hobart with 50 beds and, from next month, the Coach House in Launceston with 25 beds.

On equipment - we have access to 367 ventilators for the state and we already have a secure six-month pandemic stockpile of the critical PPE that is required. The Department of Health is currently finalising its COVID-19 at-home model of care, involving in-home pulse and oxygen monitoring, to assist to keep COVID-19 care in the community and save hospital beds for those who truly need them.

The member pointed to the pressures on our existing hospital system. I agree that our demand has increased. It increases every year. Despite this increasing demand, we have worked very hard since 2014 under my predecessors, Mr Ferguson and Ms Courtney as ministers for health over the course of the last seven years, to increase capacity in our hospitals, employing more staff and opening beds.

Vaccination is our number one protection. Our most significant effort over the past 40 weeks to prepare for COVID-19 has been our nation-leading vaccination program, with over 500 health staff involved. That is noteworthy, because we have had people redeployed to state vaccination clinics and a number of them will come back to support our health system, and also to respond to an outbreak should they be required. It is important to remember that vaccination is the number one protection that Tasmanians have against severe COVID-19 illness, hospitalisation and death.

The reason the Premier is taking a very cautious and measured approach to the 15 December opening is because we should all remember that 13 people in Tasmania lost their lives to COVID-19. That is why we are taking it very seriously - not only increasing our bed capacity, our ICU and ventilator capacity, but also our staff capacity, Ms Dow. It is important to remember and highlight the experience of other states. The majority of people who end up in a hospital are unvaccinated. That is why we have to be mindful that vaccination is the number one priority.

In the New South Wales outbreak, of the 8851 people hospitalised with COVID-19 only 5 per cent of those almost 9000 people were fully vaccinated. That is why the Government, through the Premier, has taken a very strong stance on mandatory vaccination -

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

Mr ROCKLIFF - in our community as well. You have asked me the question, 'Am I confident?' I am confident, absolutely, given the work that we have done including the investment we have also had in beds and staff recruitment. I mentioned yesterday that there have been in the order of 870 new staff since 1 July last year. That is good, and I commend all our health staff right across our community. I have met with a number of staff who experienced the outbreak in the north-west and are still feeling the effects of COVID-19, having had that illness themselves. It is devastating. That is why we are doing all we can in investing in equipment, PPE, ventilators, hospital beds, ICU capacity, acute beds, and COVID-19 at the home, looking at pulse monitoring and oxygen monitoring as well.

Of course, we are going to need the trained staff. I am confident we have the staff that will be available when it comes to -

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

Mr ROCKLIFF - surge capacity on the numbers I have seen, and the ability for other staff working across the health system to be redeployed to intensive care beds.

However, the most important thing is not only what I have just said, but I also implore all Tasmanians who have not yet had the jab to do so, not only to protect themselves but also the community.

Environment Protection Authority - Independance of Office

Ms WOODRUFF question to MINISTER for ENVIRONMENT, Mr JAENSCH

[10.40 a.m.]

In a version of *Groundhog Day* during Estimates you announced your Government would be separating the Environment Protection Authority (EPA) from the Department of Primary Industries, Parks, Water and Environment (DPIPWE) into a stand-alone, independent state authority. To clarify, you said, 'The actual and perceived independence of the EPA.'. You also said that legislative amendments to the Environmental Management and Pollution Control Act (EMPCA) would be required to clearly delineate the roles of the EPA and DPIPWE, with the new arrangements commencing on 1 December.

Yesterday, in question time, you said:

> The even more independent EPA is being separated from DPIPWE under our policy direction as of 1 December.

Have you shelved your commitment to a legislated separation of government policy and ministerial influence on the work of the EPA? Coastal communities are aghast at the secret

plan for salmon expansion and deeply concerned about JBS moving in to capitalise on our weakly regulated industries.

Members interjecting.

Mr SPEAKER - Order.

Dr WOODRUFF - Surely, you understand the damage to consumer confidence in Tasmanian-farmed salmon will not be fixed by green-washing? Will you legislate, minister -

Members interjecting.

Mr SPEAKER - We do need a question.

Dr WOODRUFF - I am trying to speak over the interjections, Mr Speaker.

Mr SPEAKER - There is certainly a lot of lenience given to the question when it is put. I have been doing that and, as indicated in the past, that is why ministers get some leniency in answering it. However, they do need a question before I can ask -

Members interjecting.

Dr WOODRUFF - If I could finish without interruption I would be able to get to my question.

Members interjecting.

Mr SPEAKER - Order.

Dr WOODRUFF - I hope you can keep the House in order for me to be able to ask my question.

Members interjecting.

Mr SPEAKER - Order.

Dr WOODRUFF - Thank you. Minister, surely you understand the damage to consumer confidence in Tasmanian-farmed salmon will not be fixed by greenwashing. Will you legislate to remove all directions, by government, over the EPA's activities and if so, when?

ANSWER

Mr Speaker, I thank the member for Franklin for her many questions. The Tasmanian Government has announced the structural and organisational separation of the Environment Protection Authority from the Department of Primary Industries, Parks, Water and the Environment into a stand-alone, independent state authority from 1 December this year.

This is important reform that will result in the policy and government-led functions remaining with DPIPWE, while the EPA retains the statutory assessment and regulation functions, clearly delineating the different roles. Importantly, as part of the reforms and in

working to meet recommendation 2 of the Premier's Economic and Social Recovery Advisory Council's final report we will be providing additional resources to the EPA as well.

Legislative amendments to the Environmental Management and Pollution Control Act 1994 will support the change and just like any other bill these amendments will be subject to public consultation before being tabled in parliament. The proposed new model will ensure public confidence in environmental regulation in Tasmania and promote certainty for proponents. We are proud of the work being undertaken by the independent EPA and the Tasmanian Government looks forward to undertaking this further significant reform.

In relation to the statement of expectations matter, raised in the series of questions by the member for Franklin, it is the Government's intention to retain a statement of expectation. It will obviously require updating to reflect the announced changes. A statement of expectation does not increase or decrease the independence of -

Dr Woodruff - It absolutely 100 per cent does.

Mr SPEAKER - Order.

Mr JAENSCH - The current statement, to be clear, already states that the EPA is established as an independent, statutory body responsible for performing its functions and exercising its statutory powers at arms-length from government. However, the EPA remains an instrumentality of the Crown and must work within the established administrative framework of the state of Tasmania.

The statement is a high-level document and provides an important opportunity to outline the Government's broad expectations. There is a ministerial statement of expectation, or similar, for a number of other organisations including the Tasmanian Planning Commission, the Heritage Council, TasNetworks, Hydro Tasmania, the Tasmanian Museum and Art Gallery, and legislative amendments to the Environmental Management and Pollution Control Act 1994 will support the proposed change and clearly delineate the roles of the EPA and the department and clarify the actual and perceived independence of the EPA.

As I said before, these amendments will be subject to public consultation before being tabled in parliament.

COVID-19 - Effect of Reopening Borders on Health Services

Ms DOW question to MINISTER for HEALTH, Mr ROCKLIFF

[10.45 a.m.]

Modelling to inform your plan to reopen Tasmania's borders tells us that without severe restrictions on movement, hundreds of hospital beds will be required each day for COVID-19 patients at the peak of transmission. What modelling has been done and what advice have you received about the impact this will have on the other critical services our hospitals provide, such as elective surgeries and specialist appointments? How many elective surgeries will be cancelled in March and April under the scenarios from the Kirby Institute that you have presented?

ANSWER

Mr Speaker, I thank the member for her question. One of the key reasons we have been so vigilant across Tasmania in respect to our borders, our level of restriction, our contact tracing and all the measures we have put in place is that we recognise our health system is in great demand as we speak.

Of course we recognise that elective surgery waiting lists are too high. They have been coming down since January, which is pleasing. We have a four-year elective surgery plan, clinician-led, patient-focused, which has been well detailed by the state perioperative and surgical committee moving forward.

However, we recognise that a severe outbreak of COVID-19 would put additional pressure on our hospital system. Despite all the measures and all the services that Tasmanians receive in the hospitals right now, an outbreak of any particular magnitude will quite rightly put more pressure on our hospital system.

As you would recall, last year the focus was on the pandemic and people with serious illness in terms of COVID-19, and ensuring that we were supporting as many people as possible with COVID-19 and those hospitalised. As a result of that, non-emergency elective surgery was cancelled. However, we will take the advice of clinicians. These operational matters will be driven by the clinicians themselves.

Ms White - What advice have you had? That was the question.

Ms Dow - You must be informed about that.

Mr ROCKLIFF - It all depends, Ms Dow, on the level of cases, the level of intensity, the numbers of people who present to our emergency departments, the number of people who require hospitalisation, the number of people who require intensive ICU care. The care of Tasmanians will be led by the clinicians themselves to ensure the safety and ensure that people who present to our hospitals get the best possible care in the right place and the right time.

In outlining the reopening plan, the Premier said, quite rightly, that there are a number of levers that we can pull in contact tracing and in terms of restrictions that can support a very careful and managed reopening process. This involves our hospital system and the demand on our hospitals as well.

To counter what is scaring Tasmanians in making Tasmanians feel uncertain about our hospital and our health preparedness I can only say -

Ms White - They are only uncertain because you are not telling them anything.

Mr ROCKLIFF - We have explained that we have staff capacity, the bed capacity, the 2500 COVID-19 at home monitors, for example, 75 community care beds, 114 ICU surge beds, 367 ventilators we have access to and 211 COVID-19 acute beds -

Ms White - When 155 ICU beds are required for COVID-19, what elective surgeries will you be doing?

Mr SPEAKER - Order.

Mr ROCKLIFF - We are doing all we can with regard to our hospital preparedness, ensuring that we have the trained staff within our hospital system to ensure that should we require that surge capacity that not only do we have the infrastructure, the equipment but we also have the trained staff to protect and care for people.

COVID-19 - Support for Schools on Reopening of Borders

Mr TUCKER question to MINISTER for EDUCATION, Ms COURTNEY

[10.51 a.m.]

Can you please outline to the House the majority Liberal Government's plan to support Tasmanian school students, staff and their families when we reopen our borders later this year?

ANSWER

Mr Speaker, I thank the member for his question. The majority Liberal Government is doing all we can to ensure our schools are prepared. I am pleased today to announce the action we are undertaking to even better protect Tasmanian students in our classrooms. These actions will include improvements to ventilation, support use of air-purifiers, upgraded outdoor learning areas, the provision of face masks, as well the continued focus on hygiene, social distancing and site management and cleaning.

We have put aside $300 million in our budget to support the COVID-19 response. We will spend whatever is needed to support our students and keep them safe. Funding will also be made available to non-government schools. A joint working group is being established with representatives from Independent Schools Tasmania as well as Catholic Education Tasmania, to ensure we provide multi-sector response to COVID-19 safety in our schools. We will ensure that all measures are implemented in close consultation with local school communities so that we are meeting the needs of individual schools.

Maximising natural ventilation in our learning spaces is a most effective method of minimising the potential spread of COVID-19. To support improvements to ventilation, the department has recently finished collecting amenity information, including heating, cooling and ventilation data on every department-owned building. In addition, an audit of external school windows is currently being progressed over the coming months, with results received progressively during that time.

The information gathered will inform remedial works such as easing and adjusting windows to ensure they operate as intended, to maximise ventilation in indoor settings.

Members interjecting.

Mr SPEAKER - Order.

Ms COURTNEY - We are seeing from the other side, in the questions that we have had earlier in question time as well as the interjections we are having, that all they are trying to do is create fear in the community. What we are doing, is delivering a clear plan to keep

Tasmanians safe. I have outlined that we will spend what is needed and I do not understand why the other side are not supporting the fact that we are working with all school communities. We have been continuing to do an audit to understand how we can do this effectively. Unlike the other side, we do these steps based on Public Health advice.

With regard to work that will be undertaken, wherever possible this will be completed before the return to school in February 2022. Where it will take longer, alternative strategies will be put in place.

While we will work to maximise actual ventilation, there will be some circumstances where additional support from air purifiers or other means is required. This could include space where natural ventilation is not possible, such as in buildings requiring window replacement or in specific circumstances, such as where there is smoke from a bushfire. To support this, the department will be ordering a stockpile of air purifiers, with the type and amount to be determined, based on the assessment of need.

In addition, all air-conditioner filters will be cleaned before February 2022. Other air-conditioning and heating upgrades will be progressed, based on individual site needs. In addition we are looking where we can use outdoor learning areas to help reduce the potential transmission of COVID-19 which may include the installation of shade structures, nature-based play areas, outdoor seating or refurbishment of common areas. We expect this to include measures that are quick to implement such as shade structures which will be in place ready for the 2022 school year with other improvements to take place over the year.

In addition to ventilation the department will continue to promote good personal hygiene, including to continue to provide hand-washing products for all sites and will continue to work with Public Health to ensure appropriate social distancing protocols are in place. Funding will be provided for enhanced cleaning schedules where they are required.

Furthermore, the Government is absolutely committed to doing all we can to protect students in the classroom, especially those with a disability. The Government has continued to support a number of vulnerable young people to continue to learn through COVID-19, including making adjustments to learning and implementing medical action plans where appropriate.

Schools and the department will continue to consider plans and responses to any emerging risks on a case-by-case basis with mediations and contingencies put in place. We acknowledge that every learner is different with different needs and we will continue to take an individualised approach to supporting students as we foster a safe and inclusive environment in our schools.

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

Ms COURTNEY - Mr Speaker, before I do wind-up, I make it clear what we are doing here today as has been outlined by my colleagues is following Public Health advice. I ask the other side, I implore the other side, whether they support our Reconnecting Tasmania plan or if they are going to continue to drive fear in the community? This is a Government that is delivering clear outcomes based on public health advice to keep Tasmanians safe and I ask Labor to get on board.

COVID-19 - Reopening of Borders and Requirement for Negative Tests

Ms WHITE question to MINISTER for HEALTH, Mr ROCKLIFF

[10.57 a.m.]

A key part of your plan to reopen Tasmania's borders is that travellers will be required to produce a negative test within 72 hours of travel. There are reports that the Public Health hotline is not currently able to provide basic information to callers such as what sort of test will be accepted, will travellers have to pay for these tests, or will they be covered by Medicare? Can you confirm this requirement will only remain in place for four weeks? Why have staff at the Public Health hotline been given such scant information?

ANSWER

Mr Speaker, I thank the member for her question. My office and I were made aware yesterday of some of the concerns that you have raised. We immediately acted to ensure that as much information as possible was able to be forthcoming for those who sought that information.

Regarding the time frame of around the four weeks, those decisions will be made at that time depending on the circumstances at the time. The Premier highlighted -

Dr Broad - You said that.

Mr ROCKLIFF - We have said that, yes, on a number of occasions but when it comes to all the matters of detail, working up to 15 December, naturally there will be more information and greater clarity provided. I thank the member for the question and for highlighting some of the concerns which also reached my office yesterday.

Reconnecting Tasmania Plan - Additional Paramedics

Mr ELLIS question to MINISTER for HEALTH, Mr ROCKLIFF

[10.58 a.m.]

Can you update the House on how the majority Liberal Government is investing in 48 more paramedics and how this commitment and additional health resources will support our Reconnecting Tasmania plan?

Ms O'Connor - This is tedious repetition. You have told us that before.

ANSWER

This is very good information, Ms O'Connor.

Mr Ferguson - It is important.

Mr ROCKLIFF - It is important and it will be under four minutes too, which you will be really excited about.

Mr Speaker, I thank the member for his question and his considerable interest in this matter. First, I acknowledge all our hard-working and dedicated people across Ambulance Tasmania including our volunteers for the wonderful work they do under difficult circumstances within our community every single day.

It is no secret that we are seeing an increase in demand across our health service, and this includes Ambulance Tasmania. In 2020-21, the total number of ambulance responses was 101 800, an increase of over 8000 from the previous year and an increase of more than 12 000 responses compared to 2018-19.

This is why our Budget continues to prioritise health with $10.7 billion over the forward Estimates, which is $900 million more than in last year's Budget. The 2021-22 Budget includes funding for an additional 48 paramedics across the state. This is on top of the 170 full-time equivalent paramedics and dispatch officers we have recruited since coming to government in 2014. Twenty-four paramedics will be stationed across Launceston and Hobart, while the remaining 24 will be placed in all regions of our state including Sheffield, Dodges Ferry, Campbell Town, New Norfolk, St Helens, west coast, north-east, Swansea, Miena and Bruny Island. I am pleased to advise the House today that additional staff have now been recruited for Launceston and Hobart.

I am advised that the staff are a mixture of graduate paramedics who have already completed their induction program, as well as experienced external candidates who will begin their induction program with Ambulance Tasmania next week. Importantly, this will mean new crews for Hobart and Launceston will be hitting the road in December, providing support to the dedicated staff and volunteers already working in those communities.

I am further advised that additional paramedics have also been recruited for Sheffield and Dodges Ferry, in line with our commitment to rural and regional areas.

We have outlined our reopening plan to reconnect Tasmania on 15 December, and we have explained how we have prepared our health system. Every additional resource we can invest in to support our health system helps to ensure we are able to cope with the demands of COVID-19 - from additional beds and hospital staff, to more paramedics.

As I have said many times, vaccination is our best protection against COVID-19. That is why a critical component of our preparedness has been making COVID-19 vaccination mandatory for all healthcare workers in Tasmania.

I am pleased to advise that of yesterday afternoon, 97 per cent of Tasmania's public health sector employees had provided evidence of vaccination or a medical exemption. This equates to a head count of 14 534 paid employees across our public health system in Tasmania. As I indicated yesterday, I expect that figure will continue to climb in coming days.

Every vaccination will count towards a safer border opening and will help to reduce the load on our hospitals and the public health measures required to keep Tasmanians safe.

Building and Construction Industry - Reform

Ms BUTLER question to MINISTER for WORKPLACE SAFETY and CONSUMER AFFAIRS, Ms ARCHER

[11.03 a.m.]

On your watch, a handful of dishonest and unreliable builders are throwing the building and construction industry into disrepute and are able to simply walk away from their shonky work, leaving home owners heartbroken and badly out of pocket. Despite support from the Master Builders Association, you have failed to introduce a home builder warranty insurance scheme to bring us into line with every other state and territory. You have failed to give the Consumer, Building and Occupational Services (CBOS) the power it needs. CBOS has been forced to tell home owners that their only recourse is expensive private legal action.

With the building industry and home owners screaming out for greater protections, why are you so opposed to even considering reform?

ANSWER

Mr Speaker, as usual Ms Butler comes in here and puts all sorts of words into my mouth. She seems to forget that Labor abolished the home builders warranty insurance scheme when they were in government. I will get to that in a minute.

Members interjecting.

Ms ARCHER - This question, of course, pre-empts something that is on the blue for today for Private Members Time. The member will be given ample opportunity to make her contribution as, no doubt, I also will. I can address all of these issues in great depth.

The member conveniently forgets as well that it was our Government that reformed our building regulatory framework in response to them abolishing that type of insurance, which was very limited in its scope in any event.

Our Government is a strong supporter of streamlining industry regulation, as evidenced by our reform on 1 January 2017 that strengthened protections for consumers in Tasmania. The current Tasmanian building regulatory framework provides a range of contemporary protections for the benefit of consumers undertaking residential building work.

The matters to which Ms Butler regularly refers, it is really unfortunate for those concerned, and I have met with many constituents on this issue. Ms Butler knows that there are some cases that pre-date the reforms we did to ensure that we had greater consumer protections in place. That is why I have committed, notwithstanding our contemporary framework, to reviewing that to see if there is anything further we can do.

I have also committed to these constituents and publicly stated on numerous occasions and in this House in numerous debates, most recently in relation to the TASCAT reform, that I am looking at including building dispute matters in the jurisdiction of the Civil and Administrative Tribunal in the third tranche. This is so we can deal with disputes on building defects faster and more cheaply than having to go to the Magistrates Court.

We are acting. I will go into this in further depth this afternoon during private members' time. I hope the member actually listens to what the Government, through me, says and what we have committed to doing. I have been in contact with those unfortunate constituents who pre-date those reforms. To suggest that we have a system that does not serve consumer protection well is false. To suggest that I am not willing to look at any reform is false.

As with most things Ms Butler comes into this House on, she is very willing to make claims that are rarely factual in nature. I look forward to contributing more this afternoon.

Bass Highway - Repairs and Maintenance

Dr BROAD question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[11.07 a.m.]

Two months ago, you said that the state of the Bass Highway was unacceptable to you and the Government. You said you were not happy about it, that the department had been instructed to intervene on the matter and that it was being addressed but the Bass Highway is going from bad to worse, with the road once again disintegrating after rainfall. We are hearing reports from constituents and on ABC radio that note the large number of people pulling over to change tyres blown out by the shocking state of the road. When are you going to stop putting patches on patches and actually fix the problem sections, as you said you would two months ago?

ANSWER

Mr Speaker, I thank the member for his question. We are fixing that highway and we are determined to crack down on contractors who have a job to do. I will be very clear about this. I thank Dr Broad for reminding the House of my early position on this, the earlier sign of the pavement in some sections deteriorating as a result of significant rain, consistently driven; also with the heavy vehicle usage at high volumes on those routes.

Nonetheless, it is my view that preventative maintenance has not been adequately maintained and the Government took the very strong position to deal with this through the department. I instructed them to take a stronger line on contract management. As a result of that, the contracted maintenance provider has been flat-out making temporary repairs -

Dr Broad - Temporary repairs.

Mr FERGUSON - That is right, Dr Broad, because what you do in winter is effect a temporary repair in advance of the better weather over summer when you can do a permanent repair.

The Government is not a bit happy about it. I will also say that it is not a new issue. It has been a consistent issue in Tasmania for many years. A quick glance at the record will show that there is only one period in the last 15 years where a government has spent less on its roads than the cost of depreciation of those roads, and that was when Labor was in power.

Every year since 2013, the Government has been spending more on our roads than the cost of depreciation.

Members interjecting.

Mr SPEAKER - Order. Thank you, minister. Give everybody a chance to calm down a little bit. The question has been put to the minister. I expect members on my left to listen to the answer.

Mr FERGUSON - Thank you, Mr Speaker. I take the side of the travelling public on this matter and the Government is taking the side of the travelling public on this matter. Our contractors are in no doubt about the Government's position.

Not only do we have a significant additional spend on road maintenance - $280 million over the Budget and Forward Estimates, that is in contrast to the position, which I believe is still the case today, that Labor took under Rebecca White, the Leader of the Opposition, that the Government should spend less on roads. It is a touch point for Labor. The eyes are narrowing, I know it is uncomfortable for Ms White, but it is the case. I do not think James Kitto at the *Sunday Tasmanian* got it wrong.

Members interjecting.

Mr SPEAKER - Order.

Mr FERGUSON - It is not a direct quote? It is an indirect quote, is it? I do not think Mr Kitto got it wrong because I was at the meeting and I was gobsmacked at what I heard.

Ms WHITE - Point of order, Mr Speaker. I seek your guidance. I previously made a personal explanation on this matter because I have been misrepresented by the minister. What protection do I have from the minister continuing to misrepresent me when I have already explained this matter in detail to the House?

Mr SPEAKER - I do not know what the minister is going to say. I don't know his arguments.

Mr FERGUSON - I encourage the member to take it up with Press Council if she feels so strongly about it. I was there and I had just told the meeting that the Government had made a decision to spend more on road maintenance. I was gobsmacked that, in the same forum here in Hobart, hosted by the RACT, Ms White would say such a thing. James Kitto, I believe, faithfully reported, from his story on 10 November 2019, that Ms White said:

> The Government should spend less on infrastructure upgrades and more on transport services to get commuters travelling together.

Ms WHITE - That is not what I said and I have explained this previously to the parliament. Mr Speaker, I seek your guidance again, if I may? What point is there in any member in this House providing a personal explanation when they are misrepresented if it is not respected?

Mr SPEAKER - Thank you. I have asked the minister to wind up.

Mr FERGUSON - I have two last comments as I wind up. The first is that Mr Kitto quotes Ms White as follows:

> If you are thinking about spending $1 million on a significant infrastructure project in Tasmania, what would it look like if you spent part of that money on incentivising public transport uptake instead?

Mr SPEAKER - If you could, minister.

Mr FERGUSON - On Dr Broad's question, thank you, Dr Broad, for raising it. I agree with you. It needs to be dealt with appropriately. It is not a new issue but the Government is resourcing it and the Government is forcing our management contractors to get on with the job and effect appropriate long-term repairs as the weather allows.

Basslink and Energy Security - Update

Mr STREET question to MINISTER for ENERGY and EMISSIONS REDUCTION, Mr BARNETT

[11.14 a.m.]

Can you update the House on the status of the Basslink standstill agreement and how the Government is delivering its strong plan on energy security?

ANSWER

Mr Speaker, I thank the member for his question. The Tasmanian Government will always act in the best interest of Tasmanians and to ensure -

Ms O'Connor - We are just about to debate the pokies bill.

Mr SPEAKER - Order.

Mr BARNETT - Also, to ensure that our state's energy security remains very secure.

Members interjecting.

Mr SPEAKER - Order, the minister has the call. He should be heard in silence.

Mr BARNETT - That is why I wrote to the owner of Basslink Pty Ltd, Keppel Infrastructure Trust yesterday, to advise the Tasmania Government and Hydro Tasmania would not be extending the standstill agreement.

Following the arbitration outcome in December 2020, the standstill agreement was put in place between Basslink and the State of Tasmania and Hydro Tasmania in relation to the failure of the Basslink in 2015. As part of that outcome which found in the state and Hydro's favour, the arbitrator, former High Court chief justice Mr Robert French AC found a force majeure event had not occurred and awarded the State and Hydro Tasmania in excess of $70 million, including costs related to the cable failure.

In December 2020, the State and Hydro Tasmania agreed in good faith to enter into a standstill agreement, preserving the rights of the parties and allowing negotiations to take place to satisfy Basslink's obligations under the arbitration outcomes, while Basslink attempted to refinance its debt. Basslink's obligations included actions to improve the operational performance and reliability of the cable.

For nearly 11 months Tasmania has acted in good faith and in the hope that a resolution could be found, including extending the standstill agreement in May this year to allow Basslink more time. However, the award payments to the State and Hydro Tasmania remain outstanding and Basslink has not adequately progressed the commercial and engineering requirements. It has also failed to secure refinancing. The Government believes that further negotiations are unlikely to lead to a satisfactory resolution and the current situation cannot be allowed to continue indefinitely.

As the standstill agreement expires today, the State and Hydro Tasmania will now pursue their legal rights. The Government is taking this action to protect the interest of Tasmanians, as money owed to the State and Hydro Tasmania is ultimately owed to the people of Tasmania. We are also confident this legal dispute will not impact the state's energy security. Importantly, Basslink will continue operating, transferring energy between Tasmania and Victoria. Tasmania's energy supply is very secure, with storage levels above the prudent storage levels, in fact, they are sitting at a healthy 51.4 per cent, the highest levels since 2014. The energy security risk response framework, put in place by this Government, following the Basslink outage, is working well, delivering us confidence and protecting our energy supply.

Our energy security has been further strengthened though our achievement of 100 per cent self-sufficiency in renewable electricity, backed by our 200 per cent Tasmanian renewable energy target and increasing wind generation. The case for further inter connection across Bass Strait through the Marinus Link remains strong. Basslink will now need to work with its owner and financiers on how it meets the arbitration outcomes. The Tasmanian Government will continue implementing its strong plan to deliver energy security in this state while also protecting the interests of Tasmanians.

EDUCATION LEGISLATION AMENDMENTS (EDUCATION REGULATION) BILL 2021 (No. 53)

First Reading

Bill presented by Ms Courtney and read the first time.

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

First Reading

Bill presented by Mr Jaensch and read the first time.

SITTING TIMES

[11.24 a.m.]

Mr FERGUSON (Bass - Leader of the House) (by leave) - Mr Speaker, I move -

> That for this day's sitting the House shall not stand adjourned at 6 o'clock and that the House continue to sit past 6 o'clock and that the sitting be suspended from 6.30 p.m. until 7.30 p.m.

We have already conducted around sixteen-and-a-half hours of debate in its various stages on the gaming control amendment so the Government is calling that back on today. It is a busy day in the House with private members' time. The Government is not proposing to set aside other people's private members' time but we will be setting aside our own. We will pick up the pace on that legislation during any remaining government business time before 12 o'clock of which, I suspect, there will not be any, and again at 5 o'clock and onwards throughout the evening. So, the House, members and staff can expect a late day.

I invite people to think about their contributions because the debate has been slowed down by repetitive and slow moves by some members of the House who are opposed to the legislation but nonetheless the bill needs to be considered. A lot of members have some interest in pursuing amendments. I invite members to be mindful, as we go through, to allow everybody to have their points of view and their amendments considered.

I also mention that given the hour, there is an opportunity for staff and members to have a one-hour refreshment break at 6.30 p.m.

[11.25 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, we are pleased that the Government is maintaining its position of not pulling the guillotine or a *clôture* motion on the future gaming markets legislation. I do take issue with the statement by the Leader of Government Business about members slowing down debate, and that we are being repetitive.

It is not our job in here to make life easier for the Government. It is our job to scrutinise legislation and, on this legislation particularly, we will not be chided by this minister who last night in the Chamber accused me of being unprofessional because I am furious about this legislation because I know it will claim lives.

I refer the minister to what is in the standing orders about our professional obligations to work in the interests of the people of Tasmania. You want to look at unprofessional? There are a number of unprofessional members in here on this bill and it is certainly not Dr Woodruff or Ms Johnston or me. We are doing our jobs on this legislation and we will continue to do that and that might make the minister uncomfortable -

Mr Ferguson - No. I am just calling out your abuse.

Mr SPEAKER - Order.

Ms O'CONNOR - and it makes him uncomfortable when we tell hard truths about the institutional corruption at the heart of that legislation and the damage that that legislation will do to people's lives. He does not like that, and so we were constantly chided last night like we are children - and we are not going to take it.

Dr Broad - Seriously.

Ms O'CONNOR - Now, Dr Broad is groaning because I am just stating the obvious. I note that yesterday we saw more unanimity between the Government and the Opposition than we have seen in here in a very long time. I thought that was quite telling, really. We had Mr Ferguson defending the Leader of the Opposition.

Mr Ferguson - I think I called you out for abusing Labor MPs, actually.

Mr SPEAKER - Order. This is only prolonging the debate. Order.

Ms O'CONNOR - Thank you. I am exercising my rights on the question. I am just letting the House know that we will keep doing what the people of Clark and Franklin elected us to do. That is to scrutinise this legislation, try to make it better, and at least tell the truth, so that the historical *Hansard* record reflects the truth of how we got here, to this terrible place, on this bill.

[11.28 a.m.]

Mr WINTER (Franklin) - Mr Speaker, I want to clarify with the Leader of the House that the proposal is a break between 6.30 and 7.30 later today, and then sit until a later time not currently known. Is that correct?

Mr Ferguson - Yes.

Mr WINTER - Thank you.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Road Maintenance

[11.28 a.m.]

Dr BROAD (Braddon) - Obviously the Greens do not think that road quality and getting around this state are very important and we should be talking about other things.

Mr Speaker, I move -

> That the House take note of the following matter: road maintenance.

I rise to speak on this matter of public importance, because it is a matter of public importance, as most people in this House recognise - except for the Greens, by the sound of it. Travelling around the state I have noticed, over time, especially in the last few years, the significant deterioration in the quality of roads. We raised this issue some time ago. On 26 August, my colleague, the member for Braddon, Ms Dow, asked the minister questions about the state of our roads and in particular the Bass Highway. The minister said:

> I am pleased to tell the House that we are putting immense pressure on our contractors to deal with the maintenance challenge, particularly, as I said

> yesterday, between Deloraine and Devonport, which has been unacceptable to me and the government. The department has been instructed to intervene on the matter. We are not happy about it. It is being addressed.

It is this last sentence, 'It is being addressed' that I draw umbrage with. This is not being addressed. We have seen that the quality of the road is such that with any rainfall period, the road disintegrates. There is a lot of traffic on the Bass Highway. It is one of the busiest roads in the state, especially with heavy truck movements. What we see are patches on patches. That means that after rainfall you are not solving the problem and the problem gets worse. The water seeps into the road; you put the patch on the patch; and then with the next rainfall event the road breaks down and continues to break down. The sections we are talking about are fairly obvious. They continue to disintegrate.

Around Parramatta Creek, the state of the road is disgraceful. At Elizabeth Town, there are other issues and closer to Deloraine, there are issues. It is not only the Bass Highway; it is also Illawarra Road, and there are also brand-new sections of the Midland Highway that are falling to pieces. The reason they are falling to pieces is because patches are being put on patches, instead of the road being dug up and repaired properly. We know that the pavement underneath is the critical part of a road, and you need to protect the pavement underneath with a good seal. We are seeing there are no good seals, and these roads are breaking down.

When you put a patch on it the water is still there, and it slowly works its way into the pavement and it breaks down. These are the problems that we need to fix. We are hearing from constituents. This morning, I heard people talking about cars pulled over to the side of the road and having to change tyres. Some of these potholes could be better described as craters; they are huge. These are being torn up by cars as well as trucks. I feel for people who are travelling at night, because you cannot see these potholes. Bang. Next thing you know you have flat tyre and you have to change it.

It is not just me saying it. We have heard discussion on ABC radio about the number of people pulled over on the side of the highway having to change tyres because of the state of the roads.

One of the Government's key jobs is to protect infrastructure. The minister talks about putting a lot of pressure on the road contractors, and after he made that statement they did go out and rip up sections. There were a couple of spots around Elizabeth Town where they tore up about a 50 metre stretch and they fixed that properly - but then they stopped. They did not complete the job; they did not go to the other areas. Patches were put on patches instead, and we have seen further breakdown over the weekend, with the rainfall. This is a false economy because if you do not fix it properly it does not get better, it just gets worse. The road breaks down further and then it requires more money to fix. This is absolutely a false economy.

The minister talks a lot about what he is doing, but we see the results of what he is doing. The results are continued breakdown, and this is stretching out. The sections where the road is getting damaged are stretching. It is going from one pothole to a breakdown over a longer section - 50 to 60 to 70 metres long - where you see the potholes building on themselves as the water works its way into the pavement and it breaks down. The only fix is to dig it up and to do it properly.

We are not only seeing this from Deloraine to Devonport; although the Deloraine to Devonport area got so bad that speed restrictions had to be put on. Almost the whole road from Sassafras all the way through to Deloraine was brought back to 80 kilometres per hour, which is an indictment on the state of the road. I have never seen that. I have been a consistent traveller over the state for many years, long before I was in parliament, and I have never seen a section of road that long reduced to 80 kilometres per hour because of the state of the road - and it is not being fixed.

On the drive down on Monday morning, we saw a section around Parramatta Creek that was brought down to 80 kilometres and then 60 kilometres per hour because of the state of the road. These are not areas that are unknown to government. These are areas that are simply not being fixed properly. We call on the Government to fix it. This is an issue about our critical infrastructure. Roads are our critical infrastructure.

How can people have confidence that they are going to be safe travelling around the state, and not have to change their tyres? We know that some people find it difficult to change tyres. They might not have the practice. We are hearing on the ABC and from constituents about the number of people pulled over because the state of the roads is wrecking their tyres. I am interested in any statistics the minister has, on how many people are requesting compensation from the Government because of tyre damage done by the state of the roads. In the past I have dealt with constituents whose tyres have been wrecked by the state of the roads, and it is quite difficult to get compensation out of the Government.

At times there is also blame-shifting between the contractor and the Government as to whose fault it is and who should actually pay the compensation. I hope that that is not the case. I hope there are some reparations from the Government to pay for that cost for people who hit a pothole and puncture their tyre. As taxpayers who actually pay for the roads, people should be able to drive safely and not have to pay for damage to their vehicles because the roads are not repaired properly.

I draw your attention to the minister's statement that the issue is being addressed. Clearly it is not being addressed. Then the minister says:

> I will be clear and unequivocal in relation to these maintenance failures. I will not take a backward step on it.

The minister actually needs to fix these sections. Patches on patches is not good enough. It is not a fix. It is just a temporary, false economy. These stretches of roads have to be ripped up and repaired properly.

Time expired.

Recognition of Visitors

Mr SPEAKER - Honourable members, we have some more students in the gallery. We have year 9 law and politics students from St Marys College. Welcome.

Members - Hear, hear.

[11.36 a.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Speaker, I thank Dr Broad for raising this matter of public importance. I agree with him in much of what he has had to say. Obviously, I do not agree with the personal or government criticisms and I will explain why.

The problem is a real one. By the way, the problem is not a new one either. It has been ever thus that roads in Tasmania are vulnerable to consistent wet weather. Patchy and occasional rain, no problem. Roads are built to withstand that, and should be but where you have had consistent long periods of heavy rain, even minor cracks in the road surface can naturally absorb a lot of moisture. During winter that will not dry out. With heavy vehicle usage and significant traffic volumes they get pounded and they break up and deteriorate. That is what happens and so there is naturally an importance of preventative maintenance, which I referred to in questions and, naturally, as Dr Broad has quite reasonably made the point, let us get them repaired. I do not think I need to restate my clear position on this.

I note that Labor is very hypocritical on this. When Labor and the Greens were in office, they spent less on road improvement than the cost of road depreciation. Those days are over. We are spending more now on the purchase of non-financial assets, including roads, and infrastructure than the cost of depreciation. It is measured. It is an accounting treatment and it is in the budget papers for all to see. The Government has consistently been investing more in our roads and infrastructure than the cost of depreciation.

There is always more to do. I feel it is a fortunate thing that the Government is able to say, 'Have a look at our record. We are spending $100 million per year, more on average, than the previous Labor government'. In fact, in the last financial year it was in fact 245 per cent more. We are not just making an argument for road maintenance, but for better infrastructure. The new roads, bypasses, interchanges, and the new bridges that you are seeing right around Tasmania are good. It is infrastructure which is intergenerational. We are working off the back of a legacy of under-investment in our state for many years and that is the Labor record, which we are repairing.

I will come back to the point: the Bass Highway. Dr Broad, nobody is suggesting - and I am not - that a pothole repair made in winter is a job done well done. That is not how it works. You can only effect a temporary repair in poor weather. I hope that you would realise that.

Members interjecting.

Mr FERGUSON - Dr Broad, either you do know it and you are pretending that it is not true, or you are just ignorant of the fact that during consistent wet weather road contractors have to get in there and sort out the immediate problem. However, you have to come back in better weather to effect a long-term and lasting repair. Now that I have informed you of that, maybe it is something we could agree on.

Importantly, contractors do temporary repairs to hold the road surface and make it safe until more permanent repairs can be completed. We have contractors in place. It is their job and they are paid good money, by the taxpayer, to look after our roads. Naturally it is my job, as minister, to express my dissatisfaction. I was the first one, by the way, to do this. I did not wait for the Opposition to bring it to my notice. In fact, people like Mr Tucker in his electorate

of Lyons and Mr Ellis in the electorate of Bass are always the first to tell me about localised concerns that they have had. The member behind me, the member for Clark, Ms Ogilvie, was the earliest advocate on the appalling condition of Davey Street.

I hasten to add, we only just came into possession of those roads from the previous owner, the Hobart City Council. The reconstruction of the road, not only the resurface, is occurring right now through the night works. I have not had a single complaint from the public on that one. They have been working through the night because it is a very busy arterial.

The Government is on the travelling public's side on this one. We are putting a lot of pressure where it needs to be applied, in a respectful and positive way, but I feel we have been let down in some respects. The contractors are out there and responding to that. They know what their job is. I can inform you that I received a phone call from the president of the Civil Contractors Federation, Mr Bill Abbott, who informed me that he felt, from his external opinion, that everybody was working extremely well during the winter and autumn period to address the issue and that quite a number of other civil contractor firms had been brought in by the maintenance contractor to help perform the workload. At times, they have had six crews on the job at once.

The state owns 3700 kilometres of roads and highways around Tasmania, eclipsed by local councils which own the majority of roads around Tasmania. They are facing some of the same challenges. You did not mention it in your contribution. It would have been fair if you had. Councils are struggling right now to keep up with their maintenance obligations. The weather and the transport volumes are really affecting them. To state the obvious, with such low unemployment and high volume of work being done by contractors, they are finding it hard to get people to help them with their maintenance and repairs.

Thank you to Labor for bringing this forward. We are ahead of you on this. We have been ahead of you consistently. I walked away from the Budget Estimates process wondering how it was possible that I had sat in front of those two committees for nearly 20 hours and I did not have a single question on road maintenance from the Labor Party. I was prepared for those questions and expecting them. I was surprised that nobody from the Labor Party took the opportunity to have a detailed examination with the public servants at the table.

It has all been said. I thank Dr Broad for bringing up the issue. I can assure the House that the Government is determined to continue investing in our roads and look after the travelling public.

[11.43 a.m.]

Ms FINLAY (Bass) - Mr Speaker, I thank Dr Broad for bringing this matter of public importance to the parliament today and to the minister for his contribution.

Having been in local government for the past 20 years with a few breaks in between, I know roads well. I know road construction well and I know the responsibility of maintenance well and where they go into disrepair and many of the causes.

Not wanting only to take my own experience and knowledge, given some of the comments across the Chamber about people's ability to understand this issue, I will speak to an article on asphalt published publicly. It is really important. When the minister makes comments about the amount of money that is invested into road maintenance or about the

condition of roads, that there is relativity in this. You may have a certain amount of funds in your budget for maintenance, but is it enough? That is the question. Do we actually invest enough? Does the Government invest enough to maintain the roads to the standards expected, not only technically but also by our community? Is it enough that over time going into the future, that they will continue to go into more disrepair?

I will read from some of their own reports in a minute. We know that pavement distress is when it ages and traffic pounds them. The minister has said this. If timely maintenance is not performed, distress is compounded. Cracks become potholes and potholes become craters. The cost of addressing minor deficiencies is much less than addressing major deficiencies. The only time to fix a repair is when it presents.

The minister says that this is not a new issue. Clearly, it is not a new issue. People have known and understood how to build and maintain roads for many years. In fact, the first road was constructed in about 4000 BC, first sealed in Paris in 1824.

Mr Ferguson - Where?

Ms FINLAY - In Paris. The world's knowledge about how to manage, construct and maintain roads is well known. This is not a new issue under your leadership, minister. The rain has not only now arrived. Yes, there may be more, and trucks have not been running on our roads for very long -

Mr SPEAKER - Member for Bass, through the Chair.

Ms FINLAY - However, this is something that is well understood. If the appropriate funds were delivered to the budget then it is not just on the contractors and their ability to deliver the work but it is on the commitment of the minister to deliver the funds required to maintain the roads in Tasmania.

In the report of the Auditor-General, No. 6 of 2020-21, on the maintenance and management of the state road network, there are matters the parliament needs to be reminded of. One of the things that is important, the whole purpose of a road, the fundamental infrastructure across the state, is to connect communities. It is also really important for the economy. It is important for safety, for function, for connectivity. It is also important for reputation. Where we have our local families travelling on the roads, we also have tourists travelling on the roads. For the reputation of Tasmania to be undermined by the quality of our roads, many of them connecting up our prime tourism regions, this should be a priority focus for the minister.

In the report it says the audit:

> assessed how well the Department met this objective by evaluating whether there was strong governance …

the minister -

> … planning and appropriately focused operational activity to maintain the Network.

> We assessed whether there was a strong approach to planning for the maintenance, renewal and upgrade of the Network.
>
> …
>
> Despite this strong approach to planning and investment there was no formalised structure to reviewing strategies and plans to ensure they remained up to date and reflected changing priorities, thereby ensuring the Network was maintained in the most effective and efficient way.

So, there was no formalised structure for this.

> … We assessed improvement was possible where repairs were not being efficiently undertaken due to not having a fully integrated and coordinated approach to maintenance. … The current State Roads maintenance and renewal budget cannot sustain current road condition levels into the future. Despite increased funding in recent years the maintenance budget has a shortfall of around 15% to ensure the Network is maintained to the optimum level and meets the prescribed [levels of service] …
>
> State Roads was not fully managing its risks as it had not integrated risk identification and mitigation as well as it could have.

In the back of this report, it says:

> In … 2018 …

Not a new issue, something that has been well-known for a long time:

> State Roads projected the amount of available funding would not support sustainable maintenance of the Network. State Roads predicted, when combined with road asset renewals gained through road improvement projects, funding levels equated to approximately 85% of the funding required to maintain …[levels of service].

The minister, when receiving these recommendations has acknowledged and accepted the findings and recommendations of the audit. He has acknowledged that the Department of State Growth will continue to focus on improvements in line with the asset management framework but noted that there were more efforts required.

It is easy for the minister to say, 'This is not a new issue, I'm on it, I'm requiring better outcomes', but the reality is that we have families putting their lives at risk every day. They might be towing a caravan, towing a trailer. People are going through potholes in the dark, not being able to see them, causing tyres to blow out, having to pull over on the side of the road in the middle of the night to change their tyres. People are not being able to see them in the lead-up to when they are arriving to them. One person who has written to the paper is concerned about the potential, particularly for motorcyclists, for death or great harm to people that might also come off in this. One pothole on the road between Deloraine and Launceston is so large people are having to swerve into the other lane. If you cannot see that on approach, this can cause great harm.

Yes, minister, we recognise you identify this. We recognise that you know that this is important. However, underfunding maintenance in a Budget where you are committing to increased investment, the investment in new infrastructure and maintenance infrastructure needs to be maintained to ensure the safety, the connectivity and the functionality of the road network across Tasmania. Even your own people of your past, former roads minister Ian Braid said recently he has never seen potholes like this. He has said that delaying the repairs to deteriorating roads is false economy and it shows up in these wet seasons.

In this portfolio, you need a hands-on minister who is actually going to address these issues. Minister, this is on you.

Time expired.

[11.49 a.m.]

Mr TUCKER (Lyons) - Mr Speaker, as the member for Lyons I have observed a number of potholes and road surface failures myself across the state over the past few months. The minister named me up as the first member lodging complaints with him, probably because I am the number one on his hit list. These roads include the South Esk, the Tasman, and the Midland Highway.

The minister has already responded with actions that he has taken to remediate surface failures through the Department of State Growth with relevant regional road maintenance contractors and, like all members of this place, I hope to see improvements over the next few months as warmer weather arrives. With that comment about warmer weather arriving, I was taught a trick back in my younger years with roads and when to repair, when to seal a road. We can talk about all the theory in the world but the trick is, when you are about to seal a road, use a mattock handle. You drop it down on the aggregate. If it goes 'thud,' the surface is too wet and you do not seal. If it rings to you, you know that it is right to seal.

This is the problem that I believe you on the other side do not understand. It is all very well to say 'let's get on and repair these potholes', and we have all seen the problem. As we have all named up, it breaks up straight away after because of the weather, because the moisture is in there and it is very hard to get moisture out of a road once it is in there if it keeps raining. Do you understand that?

Dr Broad - But, it has taken you forever to fix the potholes, even with a temporary solution. The water gets in because you are not even doing the temporary solution.

Mr SPEAKER - Dr Broad, order.

Mr TUCKER - You do not understand, do you? You need to actually get out of your little dunghills and go and talk to some road contractors on how to build a road and how these problems occur, because I do not think you fully understand.

Yes, Mr Winter, I think you should as well. When you look at me like this, it reminds me of that time when we were in the Budget Estimates, with the GST and the GSP. You need to get out of your little holes and go and talk to some road contractors and actually learn what is going on with this process.

Mr SPEAKER - The member should address these issues through the Chair, which will incite less comment from the Opposition.

Mr TUCKER - Sorry, Mr Speaker.

While road maintenance is a significant responsibility, I remind members of the record investment in road building underway across Tasmania. Last year, in 2020-21, the Government spent a record $317 million under our infrastructure program and this will increase again in the current financial year.

As we recover from the pandemic, the Government's clear mission has been to stimulate the economy and support jobs, and it is clear our plan is working. It is no secret that the construction industry is red-hot right now. Employment levels have returned to pre-pandemic levels and Tasmania has one of the lowest unemployment rates of all the states.

Our 2021-22 Budget contains $5.7 billion in infrastructure works, which is providing industry with much-needed certainty and confidence. The Budget contains $2 billion on our roads and bridges program alone. This includes $187 million over four years for the South East Traffic Solution to deliver a four-lane Tasman Highway between Sorell and Hobart; $118 million over four years to complete the 10-year Midland Highway Action Plan; funding to build the $576 million Bridgewater Bridge; funding for the East and West Tamar Highways; the Launceston Traffic Vision; and the Bass Highway.

Through the state election commitments, we are investing a further $416.5 million into our roads over seven years, including targeted investments across all regions of the state. This has been further boosted by a $322.6 million investment from the Morrison Government in its 2021-22 federal budget. We will also deliver the next four 10-year strategic action plans for the Bass, Channel, Huon and Tasman highways, building on the success of the Midland Highway 10 Year Action Plan.

I also want to speak about the Midland Highway, a road that members of this place are very familiar with. Great improvements have been made since 2014, to this key north-south link. I am aware that even members of the Opposition quietly admit that the Midland Highway is vastly improved since they were in office.

Ms Finlay - Have you travelled the Symmons Plains section lately?

Mr TUCKER - Yes, I was actually talking to Crosby Youl coming down on Monday.

Ms Finlay - How were the potholes there? The worst part of the Midland Highway.

Mr TUCKER - If you go and look you might learn what is going on there.

Mr Winter - Filthy big holes.

Mr TUCKER - That is not going to work I am sorry, Mr Winter. There is another issue going on there.

In May 2015 the federal and Tasmanian governments launched the Midland Highway 10 Year Action Plan. This is a commitment of $565 million over 10 years: the largest ever single investment in the Midland Highway, which will result in a much safer and more efficient highway for all users.

The 21 projects have now been completed since works began and the remaining sections of the 10 Year Action Plan are in planning. The largest project in the action plan, the $92 million Perth Link, was also completed last year, months ahead of schedule. I would also like to note that the Perth Link was the utilisation of that hill of rock and digging up a dam, so we did not have all those truck movements on that road when we were building it. In my opinion what went on was an amazing piece of infrastructure - the understanding of the materials that were there in the local area to get the maximum best outcome for people of Tasmania. It was a very good outcome.

Time expired.

Mr SPEAKER - I indicate to Ms O'Connor that this debate will conclude at 12 o'clock.

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, I only intend to speak for a couple of minutes.

Mr SPEAKER - If it could be three it would be handy.

Ms O'CONNOR - I had no intention of speaking on this matter of public importance debate today, because I am working to get ready for the continuation of the debate on the future gaming markets legislation.

First, I want to say that it is vital that we have safe roads and that money is invested in road maintenance in order to protect lives. No-one can argue with that but I have listened to the debate here and become increasingly dispirited. We have just had a report come out of the United Nations about the emissions gap. Under current government policies, we are on track to 2.7 degrees of warming in the world. What the UN is telling us is that all societies need to cut their emissions by 55 per cent by 2030.

We have emissions in Tasmania across multiple sectors, including transport, increasing. Nothing today from Dr Broad, the minister or Mr Tucker about how we might make our cars and our transport system more climate friendly, for example: how we might rapidly accelerate the electrification of our transport system. That is the sort of topic as lawmakers and policymakers that we should be discussing in here but we have just endured the most trite and banal contributions that devolved to potholes on certain sections of the road while the UN Secretary-General António Guterres is saying, 'It is a thundering wake-up call to governments'. Not apparently in Tasmania. Not heard, not seen, not acknowledged by Labor this morning, in bringing on its matter of public importance debate. Potholes, while the UN is telling us we are in the deepest of trouble - 2.7 degrees of warming. It is catastrophe -

Members interjecting.

Ms O'CONNOR - We are hearing groans again from the old parties in this place. You pay no attention to young people who attend the school strike for climate. You give them lip service why you back in accelerated native forest logging and you come in here and bring on puerile debates -

Members interjecting.

Mr SPEAKER - Order.

Ms O'CONNOR - Even if you do not want to talk about the climate, what about the commission of inquiry? We had a hearing yesterday on the safety of children and young people in Tasmania and Labor's MPI today is on road maintenance. What an utter waste of time this Labor Opposition is. I think Dr Broad is a toxic influence on the modern Tasmanian Labor Party. He is throwing his weight around in there. He wants them to support the anti-protest legislation. That is fine. I am done.

Dr BROAD - Point of order, Mr Speaker. I draw your attention to the constant vitriol here. Casting aspersions, making accusations and then using unparliamentary language to describe members of parliament like me. I ask the member to withdraw.

Ms O'CONNOR - I withdraw, but I meant it.

Matter noted.

MOTION

2021 State Election and 2021 Legislative Council Election - Conduct - Motion Negatived

[12.00 p.m.]

Ms JOHNSTON (Clark) - Mr Speaker, I move - That the following Resolution of the Legislative Council be agreed to -

> The Legislative Council having this day agreed to the following Resolution now transmits the same to the House of Assembly and to request its concurrence therein: -
>
> Resolved -
>
> That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon -
>
> (1) All aspects of the conduct of the 2021 state election and 2021 Legislative Council elections and matters related thereto; and
>
> (2) That the number of Members to serve on the said Committee on the part of the Legislative Council be four".

In May this year for the first time in Tasmania's history, a House of Assembly election was held concurrently with Legislative Council elections.

Reservations were raised at the time of the announcement and again after the elections. I will come to these matters in a moment but I wish to make it clear that the Legislative Council is not asking for anything remarkable or out of the ordinary. It is perfectly routine in Australian jurisdictions for parliamentary committees to conduct post-election reviews. The Commonwealth Parliament and the parliaments of New South Wales and Victoria have

standing committees to report on the conduct of elections. These jurisdictions understand that elections must not only be free and fair, they must be seen to be free and fair if the public is to have confidence in the outcomes.

The committee proposed by the Legislative Council, provides a valuable opportunity to hear from a range of stakeholders and reflect on what did work and perhaps where improvements could be made for future elections. These are perfectly normal and essential questions a democracy should be asking.

I believe the Premier thinks that this committee is unnecessary because the Tasmanian Electoral Commission has responsibility to conduct impartial elections and the power to investigate illegal practices. He is right there. I do not dispute the vote count, the election outcome or the conduct of the Electoral Commission. The Premier misses the point. This proposed inquiry is not about legalities, it is about ensuring that our democracy is working and is that not what we are here for after all?

I will speak on some of the concerns and reservations that were publicly aired in relation to the elections. These should not be glossed over, discounted or ignored, which seems to be the Government's intention.

A prominent and consistent concern raised by members of the public, commentators and academics is that concurrent elections may disadvantage Legislative Council independent candidates. This is because all council candidates must adhere to a campaign spending cap of $18 000 whether party endorsed or independent, which means party candidates would benefit from generic party campaign and advertising exposure for House of Assembly. It is arguable whether party campaigning during Legislative Council elections breaches the Electoral Act. It just might. Even if it strictly does not, is it fair? Surely no candidate for election in our democracy should be handed an advantage over another. That is something I would like to know. The joint committee proposed here would help to find an answer.

This question alone, whether elections for House of Assembly and Legislative Council should be held on the same day, justifies this parliamentary committee.

Another issue raised before the election was the likelihood of voter confusion because the boundaries of the Legislative Council division overlap state electorate boundaries. This means that although all Tasmanians had to vote in the House of Assembly election, some had to vote in the Legislative Council as well.

Not everybody is engaged in politics and elections like we are. There is surely a risk that some people would not have known when they turned up at the polling booth that there were two elections to vote in. What happened on election day? Respected political analyst Dr Kevin Bonham, referencing a report from the Tasmanian Electoral Commission, found that many Derwent and Windermere electors voted in the House of Assembly but failed to vote in the Legislative Council.

> The great majority of these - 1683 (6.3%) in Derwent and 1723 (6.3%) in Windermere - voted in booths outside their Legislative Council division on the day and were only able to vote in the Assembly election at those booths because they were not dual voting booths and hence had no Legislative Council ballot papers.

This disenfranchisement of these voters surely needs further scrutiny. Dr Bonham further tells us that there were nearly 600 voters who should have been able to vote in both elections but, for whatever reason, were not marked off the Legislative Council roll. Whatever the reason, I would like to know. Dr Bonham goes on to some detailed analysis to try to determine, if these disenfranchised electors had voted, whether the outcome of the Legislative Council would have been different. He concludes that it is unlikely the results would have been different, however, not impossible.

I do not think whether the outcome was affected or not is the point. No one should be denied the opportunity to vote. Universal suffrage is one of the fundamental foundations of our democracy. If 4000 eligible voters missed out at these Legislative Council elections then this parliament has a duty to ask why and be assured everything is being done to ensure it cannot happen again.

The Tasmanian parliament should have a standing committee along similar lines to the federal joint standing committee on electoral matters. This would allow for the routine review of elections and make recommendations for improvements. I cannot fathom why a government would be fearful of that. The matters I highlight here are exactly the sort of issues that such a committee could investigate by calling for submissions, examining witnesses and holding hearings.

We will have to wait for another day to press for a standing committee. In the meantime, I fully support this motion from the Legislative Council for a joint select committee to inquire into the 2021 Assembly and Council elections. As I mentioned at the beginning of my contribution here, it is a nonsensical claim that this committee would duplicate existing electoral commission report process when that involves a report by the commission into itself rather than an external review by parliament.

This is not a criticism of the Tasmanian Electoral Commission, which did a good job running these elections on very little notice but self-reporting by the commission places it potentially in an invidious position and I suspect it would prefer the arms-length parliamentary review of elections proposed in this motion.

Mr Deputy Speaker, I ask all of us here to remember that parliament is supreme over all other government institutions, including the executive. This is something that is often forgotten by the party in power. This parliament not only has a right, it has a duty to review matters that underpin our democracy and democratic institutions. This fundamentally includes the conduct of elections.

In conclusion, I emphasise that this motion does not propose a drastic investigative regime. It is a sensible and necessary practice that many other jurisdictions have codified into standing committees. I also remind the House of the convention that each House respects and participates in proposed joint House parliamentary inquiries proposed by the other Chamber.

If we do not participate and agree to this motion today, the matter will be simply taken out of the hands of this House and I am sure the Legislative Council will be most keen to conduct their own inquiries. I, for one, would like to be able to be involved in a joint select committee and I am sure members of the House would be interested in participating as well. There are many questions that need to be asked about the 2021 elections and it is our duty to ask them. I commend the motion to the House.

[12.09 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I welcome the opportunity to speak on this motion brought forward by the independent member for Clark, Kristie Johnston. In doing so, I note that the motion reflects a motion instigated by the member for Nelson, Meg Webb, in the Legislative Council. That motion discussed in the other place was passed in that Chamber eight votes to three and was supported by my Labor colleagues. The Labor Opposition will be supporting the motion again here today.

The motion calls on the parliament to establish a joint standing committee into the conduct of the Tasmanian elections for the 2021 House of Assembly and Legislative Council elections. This is something that should be welcomed by all members of parliament. It is not something that should be seen as a threat or a direct criticism of any member, candidate or party who participated in those elections. Rather, parliamentary inquiries into the conduct of elections should be something that is expected, welcomed and routinely conducted after each election.

This is the case in many other Australian jurisdictions. For example, the federal parliament and the state parliaments of New South Wales and Victoria all have such committees, joint standing committees which routinely hold reviews after each general election as a matter of course. Liberal and Labor governments in those jurisdictions have all voted to re-establish these standing committees in each new parliament and they actively participate, along with minor parties and independents, in those committees and reviews.

This is not about party politics or even about politics at all: it is about the integrity of the parliament and the electoral systems that get us here, the electoral systems that elect us to the honour of serving in this place.

It is disappointing that in the upper House the Liberal Party members chose not to support the motion put forward by Ms Webb, the member for Nelson. The Tasmanian Liberal Party seems to be somewhat hesitant to welcome the establishment of a joint standing committee to do this routine work that occurs in so many other jurisdictions. It makes me wonder why and what they feel they need to hide.

As I have said, this motion and this committee is not about questioning the election result. That was made very clear by Ms Webb and Ms Johnston. Rather, it is something that should be welcomed as an opportunity for the parliament to look at all of the things that happened in the election, and to make findings and recommendations for us to benefit from and learn from that can help us restore trust in politics in the Tasmanian community. It is about what went well and what did not go well, and how we can improve the integrity of the electoral system we operate under.

The Commonwealth joint committee is chaired by Liberal senator for Queensland, James McGrath. When writing about the committee he chairs, he said:

> We are blessed that we live in one of the oldest and most successful democracies in the world. Our good fortune has come not through chance. Our democracy works because over a century a lot of people … have worked to make it so through blood, sweat and tears.
>
> …

> As society has changed, so should our electoral system be fine-tuned. Now is the time for immediate action by parliament on certain changes and for a longer conversation about other reforms.

He said the reforms that the committee was recommending at the time were about empowering voters and that governments should always act to empower voters. I agree.

Those are words from a Liberal senator on behalf of a multi-partisan committee which, at its heart, is about protecting and strengthening Australia's democracy. This is something our parliament should also aspire to do. Establishing a joint standing committee that reviews the conduct of each election is an important step and one very important piece of the puzzle of restoring faith in politics in Tasmania.

Similarly, the New South Wales joint standing committee is chaired by a Liberal MP, the member for Heathcote, Lee Evans. In that committee's review of the 2019 New South Wales election, Mr Evans said:

> Administering the free and fair elections that the people of NSW rightly expect in a democracy such as ours is a major undertaking.

He said the inquiry had been a valuable opportunity to hear from people in the community about the conduct of the 2019 election in New South Wales and to reflect on what works well and where improvements could be made for future elections. The report went on to make a range of recommendations covering election timeframes, ballot papers, capacity around early voting and compliance with electoral legislation.

The role of these committees and others like them that operate elsewhere in Australia and around the world is to strengthen democracy, to review the conduct of elections and to improve the processes around elections to make sure that things are always getting better, not standing still or, worse, going backwards.

Our knowledge as well as the community's expectations around how elections are conducted are constantly evolving and changing. It is, therefore, vital that the systems governing elections change and evolve likewise to reflect best practice and, as I said, to continue to restore trust in democracy. For these reasons, I encourage members to support the motion put forward by the independent member for Clark, Ms Johnston. I hope that the Government may have rethought their position since the upper House and may even think to support this motion here. As I said, the Labor members, my colleagues in the upper House, supported the motion when it was debated there under Ms Webb's name and we will be supporting it again here today.

[12.15 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, I very much welcome the opportunity to speak on order of the day 12, brought forward by the Independent member for Clark, Ms Johnston. I have an amendment to move to the motion that will enable the House of Assembly to participate fully in this select inquiry, as it is a joint select committee.

It is hard to escape the conclusion that the decision to have the state election on Saturday 1 May, and elections for the Legislative Council seats of Windermere and Derwent was a deliberate one. Of course, that question cannot be resolved unless you have parliament examine

the decision and the potential consequences for voters and for democracy. As we heard from Ms Johnston, it is possible that somewhere in the order of 4000 Tasmanians were disenfranchised because there were two elections on the same day.

There was no rationale put forward for it at the time by the Premier. As we know, the date of the Legislative Council elections was known reasonably well in advance. They had been delayed as a result of the pandemic. There was no sound argument for having the state election on the same day as the Legislative Council elections, just as there was no sound argument for taking us to an election a year early. The only rationale for that at the time was in the hope of doing away with a troublesome Speaker, the former member for Clark and now alderman of Glenorchy City Council, Sue Hickey. That turned out to be successful.

We are back in here now with a government with a one seat majority that basically came down to a few hundred votes in Clark, which makes all the crowing about a strong, stable, majority Liberal government a little hard to stomach, because you would not exactly call it a massive ringing endorsement for the Liberal Government.

Mr Ellis - You have two seats.

Ms O'CONNOR - Right, thank you for that interjection, Mr Ellis, who is only in here because Mr Brooks had to withdraw; he did not actually win in his own right. We are the only party that contested this election that had a positive swing towards us. We absolutely romped in, in Clark and Franklin. There are tens of thousands of Tasmanians across this island, including in Mr Ellis's electorate of Braddon, who voted Greens. Both the major parties went backwards at the state election and the Greens did not. That is just a fact.

Mr Ellis was not elected at the last state election. The Greens in here were elected in our own right. Mr Ellis is here because Mr Brooks is not. So, if you want to keep interjecting Mr Ellis, I welcome the opportunity to take you on from the floor, because I think you are a fraud and a lightweight.

I want to go to the proposed amendment. I move -

> That paragraph (3) be added to the resolution as follows:
>
> (3) That the number of Members to serve on the said Committee on the part of the House of Assembly be four; being: one Government member, one member of the Opposition, one Greens, and one Independent.

The Government is resisting a joint select committee and will resist the amendment that I have put forward because the Government will not have control of that joint select committee. We have seen this pattern over the past eight years. If the Government does not think it has the numbers, or control of a situation it will resist it, at all costs. That, to me, is a mark of a government that is insecure at some level about the decisions that it makes. If you were completely comfortable that what you were doing as a government was the right thing and the decisions that you made were in the public interest, you would not worry about whether or not you had the numbers on a parliamentary select committee.

Given the topic that this select committee would be examining, it is right that it be non-partisan and that no party has the numbers on this select committee. We need to have a balanced and objective look at what happened.

What seems to have happened is that thousands of Tasmanian voters were disenfranchised. The votes, particularly in the Legislative Council elections, do not necessarily reflect the will of all the eligible voters in those Legislative Council divisions, given the number who may not have voted on that day because either they did not know they had to vote on that day or they were unable to vote on that day because of the logistical constraints that inevitably happen when the Tasmanian Electoral Commission is trying to run a statewide election campaign and two Legislative Council campaigns.

I take this opportunity to genuinely and warmly thank the Tasmanian Electoral Commission and Commissioner Andrew Hawkey for the outstanding work that they do. There is a huge amount of public trust in the Tasmanian Electoral Commission and rightly so. It has been earned.

We should not put the TEC in this position where they are having to basically run three elections on one Saturday in May. It was entirely within the Premier's capacity to either call the election a week earlier or a week after 1 May, which had been locked in as the Legislative Council election dates but he made a wilful choice to have the state election on the same day as the Legislative Council elections.

I will talk a little about the report of Paper 1 of Tasmania's Electoral Act Offences and Campaign Conduct. For context, this is the paper that is the result of the aborted Operation Hyperion. The Integrity Commission was asked to examine some matters surrounding the 2018 election campaign. Over the course of two years, it ended up pulling the pin on the Operation Hyperion campaign. In this story by investigative reporter Emily Baker, which details the Integrity Commission's decision, she said:

> A two-year probe into funding promised during the 2018 Tasmanian election was dropped by the state's integrity watchdog in April after a legal argument with the Liberal Party over the inquiry's direction.

She writes:

> The 2018 campaign was defined by claims of undue influence from the powerful gaming lobby, hidden political donations and questions over a huge increase in the Liberals' smaller-scale promises to regional community groups, such as halls, churches and sporting clubs.
>
> The ABC can reveal the Integrity Commission launched an investigation after a Tasmania Police inquiry into allegations of possibly bribery or treating by an unknown candidate.
>
> While police found the Electoral Act had not been breached, the Integrity Commission initiated its own inquiry into the election in early 2019 after meeting with police, the Tasmanian Electoral Commission (TEC) and the Director of Public Prosecutions (DPP).

> Part of a draft report from Operation Hyperion - obtained by the ABC - shows that the Integrity Commission investigated possible misconduct in the awarding of funding to community groups and the TEC's policies and processes in dealing with alleged corruption.
>
> The investigation found no evidence of misconduct before it was canned.
>
> Integrity Commission chief commissioner Greg Melick said 'relevant parties' were given excerpts of the draft report for comment in July last year.
>
> …
>
> 'The board obtained independent legal advice on particular points of law and the extent of the investigation in relation to its terms of reference and concluded that the investigation could not be finalised under the existing terms of reference.'

That to me, first of all, says that potentially some pressure was put on the Integrity Commission not to finalise that investigation. Whether that pressure was overt or covert, we will probably never know. It also says something to me about the Integrity Commission's willingness to take on some of the big fights sometimes. If it cannot be there to investigate conduct during election campaigns then why is there? This is one of the most critical components of a healthy democracy, how elections are run and won, and they need to be clean.

There is plenty of evidence to suggest - and this goes back many years because both the major parties here are culpable - Tasmanian state elections are not always clean.

There is the influence of corporate donations and other dark money but there is also what the Integrity Commission describes as indirect electoral bribery where you see, particularly the Liberals have made an art form of it but I know Labor did it too. You see ministers and elected MPs of government going around to all sorts of community organisations, sporting groups that are strapped for cash and need money, and promising them cash in the leadup to a campaign in the hope of securing their votes.

We have seen the consequence of that where a number of organisations that have received money have advocated for the election of a Liberal government, for example. We all remember the 280 community groups that received about $10 million in funding from the state's coffers in the 2017-18 financial year with the Liberals' commitments ranging from $2000 to $900 000 of public money.

One of the other things that Mr Melick said to the ABC is that the Integrity Commissioner had considered changing Operation Hyperion's terms of reference so the inquiry could continue but decided against doing so. I quote directly from his statement to the ABC:

> Ultimately, the board decided that it would not be in the public interest to commit further resources to reinvestigate the matter, noting that, to that stage, no misconduct had been identified.

I take issue, with respect, to that statement. It is always in the public interest to investigate the conduct of elections in a democracy, always. We have never really got to the

bottom of this situation. The consequence of it has been that the Integrity Commission has now issued a paper about ethical conduct and potential misconduct risks in Tasmanian parliamentary elections and it is part of a research series and I am very glad to see that.

In its conclusion, the commission which examines questions of where is the line drawn between outright electoral bribery and corruption, indirect electoral bribery, campaigning, and legitimate policy promises or pledges? It is a really interesting question that we should turn our minds to - where is that line drawn? The Integrity Commission in its conclusion - and I will wind up with this - says:

> It is not currently possible for the Tasmanian Electoral Commission to adequately investigate or enforce compliance with the corrupt practices provisions in the Tasmanian Electoral Act. Furthermore, the division in that act between illegal practices and corrupt practices is illogical and confusing.
>
> The Tasmanian Electoral Act contains systemic requirements to ensure free and fair elections in Tasmania. Its importance cannot and should not be denied. Under its legislation, the TEC theoretically has the power to investigate corrupt practices. However, in practice the TEC has been hamstrung by a lack of specific powers and resources. This may now have been remedied with the drafting of the Electoral Matters (Miscellaneous Amendments) Bill 2021.
>
> Indirect electoral bribery, like traditional electoral bribery, is a serious issue that may threaten our democratic system but it is not currently regulated and it is rarely illegal. Whether and how this kind of conduct should be regulated, or even made contrary to law, is for the Tasmanian people and Parliament to decide.

Regrettably, given that it has been a longstanding practice of both parties to run around the electorate and promise cash prizes, large and small, to various interest groups, I cannot see that parliament will take this on. So here is our amendment. I did not have the time to write up copies of it but the House should take an interest in this.

We do not want it to happen again, that the people of Tasmania are disenfranchised at an election. It is not healthy for democracy; it is not fair because every voter has the right to cast their vote and be a participant in democracy. The House should support this motion which has come down from the Legislative Council and brought forward for debate by Ms Johnston. That would be the right thing for us to do, to have a look at this and make sure that never again are we potentially disenfranchising thousands of Tasmanian voters.

[12.32 p.m.]

Ms ARCHER (Clark - Attorney-General) - Mr Deputy Speaker, as Attorney-General and the Minister for Justice I rise to speak on the motion that has been brought before this House to establish an inquiry into the 2020-21 state election. I do this speaking on behalf of the Government.

As made clear by our Government's contribution to this motion in the other place, we will not be supporting this motion. I will outline our reasons for not supporting this motion for the benefit of members of this House.

First, I take the opportunity to again express my concern about the amount of time, the unnecessary and repetitive calls for an inquiry, that has been taken up in this parliament, certainly since May of this year. It is quite staggering.

Ms O'Connor - You know we live in a democracy?

Ms ARCHER - Mr Deputy Speaker, I also sat in silence so that I could get through my contribution today because it is important to register why the Government says that this inquiry is not needed. It is unnecessary. It is a duplication of an existing and independent statutory officer's role which is far more independent than what this motion would establish.

As members should be aware, the Independent Tasmanian Electoral Commission (TEC) and the Electoral Commissioner already have statutory responsibilities for the independent and impartial conduct of elections and referendums, as enshrined in Tasmanian law under the Electoral Act 2004. In fact, under this framework, the Tasmanian Electoral Commissioner not only prepares annual reports that detail information and analysis of Tasmanian elections but he also prepares regular reports on parliamentary elections. This means that there is already an impartial legislative framework in place for conducting, administering and reviewing elections within Tasmania.

Regarding the Tasmanian Electoral Commission's Report released in July 2021, which I have no doubt has been highlighted and referred to as one of the reasons for this inquiry, it is important to note a few pertinent facts. The TEC Report notes that the commission is of the view that the number of administrative errors for which the TEC has unreservedly apologised I might add, were not sufficient to affect the results of the election and it would not have changed either election.

Further, the Tasmanian Electoral Commission has also clarified that the resource requirements stated in its report about the additional computers or net books required were not ones of financial restraint but one of timing due to a number of public holidays and the disruption of distribution channels due to the COVID-19 pandemic which, of course, we had no control over. Accordingly, the establishment of a parliamentary committee to inquire and report on the same thing would simply be a duplication of this statutory process making it, at best, unnecessary and at worst, a complete and utter waste of public resources.

As I have mentioned, the Tasmanian Electoral Commission and the electoral commissioner have statutory responsibilities for the independent and impartial conduct of elections and referendums under the Electoral Act. One of these responsibilities includes laying before each House of parliament an annual report on the performance of its functions and the exercise of its powers, as well as reporting on any matter arising in connection with the performance of its functions or exercise of its powers.

Importantly, the annual report includes review commentary regarding all elections conducted within that period. The functions and powers of the commission under the act include advising the minister on matters relating to elections, providing information and advice on electoral issues to the entire parliament and the government, and investigating and prosecuting illegal practices under the act.

In accordance with these powers, the electoral commission does regularly review and report on all Tasmanian elections. It has broad powers to do all things necessary or convenient

in order to carry out these functions and powers and, rightly, maintains strong independence in this regard.

The electoral commission, through the commissioner, is answerable only to the Parliament of Tasmania. The importance of independence of electoral commissions generally is well established. It is important that nothing we do in this place affects the status, the powers or the independence of the electoral administration and administrators, and the impartiality with which they act, and are seen to be allowed to act, which is fundamental to the integrity of an election.

The International Institute for Democracy and Electoral Assistance, a leading intergovernmental organisation working in the area of electoral assistance, has said that electoral management bodies are 'the primary guarantor of the integrity and purity of the electoral process'. Others have similarly argued that independent electoral commissions are the single most important factor in ensuring free and fair elections. The TEC, as with all electoral commissions in this country, has operated as the key body responsible for the conduct of elections since the time of federation.

The Government acknowledges and supports the important role of parliamentary select committees to look into specific matters from time to time. There is no question that it is an entirely appropriate role of parliament for this process to occur with respect to some subject matters. However, it is important to note that, historically, the select committees in Tasmanian parliaments have looked into specific matters or policy areas of concern rather than duplicating the role and responsibility of an independent statutory authority already responsible for this process - in this case, one that is pivotal to delivering independent and impartial elections and referendums in this state. This is not the role of members of parliament, Mr Deputy Speaker.

As a point of comparison, there has been a recent inquiry into the Tasmanian Electoral Commission, in 2015. However, a stark point of difference with this inquiry is that a new select committee was not established; rather, it was conducted by the sessional Committee for Government Administration B. The terms of reference for this inquiry were also more appropriate, as it looked at the administration and any identified deficiencies of the Electoral Act, as well as resourcing available to the Tasmanian Electoral Commission.

In contrast, this proposal specifically aims to look to replicate the work and the role of the independent Tasmanian Electoral Commission. In light of this, the question needs to be asked as to whether the member and all members who are supporting the call for such an inquiry have failed to recognise that the independent review and scrutiny they are calling for already routinely occurs, through the legislatively enshrined functions of the electoral commission.

It is a sad fact that some members have openly called into question the standard of work and ability of the electoral commissioner in carrying out his duties. This is why I have to ask whether this motion being brought forward is simply a politically motivated measure.

Members interjecting.

Ms ARCHER - Mr Deputy Speaker, it is interesting that other members can talk about politics and political motivation for things but as soon as the Government does -

The main purpose stated for calling for a joint select committee to be stood up to inquire into elections is to deliver a general review of the administration of elections as opposed to the election outcome, purportedly based on community concerns and a lack of public confidence in the process. However, as pointed out in an editorial published on 24 June of this year, these motives do sound suspiciously like they would be used by those who would rather bring into question the legitimacy of the outcome.

While our implied freedom of political communication is a fundamental principle, protected by our constitution, it would be a failure of this Parliament to allow individual members the ability to circumvent the independent scrutiny processes already in place, nor should we fall into the trap of trying arbitrarily to call into question the administration of our democratically run elections or impugn the character of the commissioner responsible for this administration, simply on the basis that some are unhappy with the result.

Surely, it is the duty of every member here to respect the legitimate view of every Tasmanian voter and not treat voters like fools, by calling foul play when the results do not go their way or the way they want.

Members interjecting.

Mr SPEAKER - Order.

Ms ARCHER - This motion suggests the parliament disrespects voters by suggesting they are not capable or able to make up their own mind about who they wish to vote for and/or be in government. If there are concerns about matters of fraud, manipulation or otherwise illegal practices relating to an election, it is also important to point out that it is everyone's responsibility to report this to the Tasmanian Electoral Commission for proper investigation and prosecution, if required, in accordance with its role under the act.

Members interjecting.

Mr SPEAKER - Order.

Ms ARCHER - Mr Speaker, I did sit in silence so that I could be heard.

One of the reasons claimed to support the establishment of a Select Committee includes concerns around the legitimacy of the rationale for calling an early election for the House of Assembly. As the members are aware, it is the governor, not the premier or government who ultimately decides on a request to dissolve parliament and call an election. Although no member should reflect on the governor in this place, I will say that as Tasmania's Head of State, the governor has the authority to refuse or grant a request. I wonder if the member is suggesting that it is necessary for parliament to call into question and review this judgment or any of the governor's decisions as well?

I will not comment further on reasons for requesting an early election. This was an issue discussed in great detail throughout the election and it provided Tasmanians the ability to clearly voice their views on this matter at the polls.

Regarding members concerns about the holding of concurrent House of Assembly and Legislative Council elections, I find this argument probably to be the most staggeringly odd argument. I am trying to choose my words carefully here, because I find it really odd.

I remind members that dual elections are regularly held both at the Federal and state level for those with bicameral systems, like Tasmania, throughout Australia, with half of their Upper Houses going to an election at the same time as their Lower Houses. It is not unusual and to suggest that Tasmanians are not capable -

Opposition members interjecting.

Mr SPEAKER - Order, member for Lyons.

Ms ARCHER - of doing the same thing, is simply insulting to every Tasmanian, to suggest that they cannot cope with voting in two elections at once.

Members interjecting.

Mr SPEAKER - Order. You do not have the opportunity to constantly interject on the Attorney-General. The Attorney-General has the right to be heard in silence, without constantly being interjected. Please, allow the Attorney-General to continue.

Ms ARCHER - Mr Speaker, I have almost finished. Members should be embarrassed to suggest that Tasmanians cannot vote in an upper House election at the same time as they vote for the House of Assembly.

Members interjecting.

Mr SPEAKER - Order.

Ms ARCHER - It has incited them to start up again because it is a pretty silly suggestion.

Finally, we already have built in checks and balances into our rule of law to ensure an impartial framework exists at Tasmanian elections and every member here already has the ability to scrutinise the work that is undertaken by the Tasmanian Electoral Commission as the commissioner's reports are tabled annually. We have, just this week, been tabling annual reports. There is ample opportunity for members to question findings during existing parliamentary processes and the addition of a parliamentary inquiry process to review and report on the same subject matter would not add any further value and is considered by the Government to be an unnecessary duplication of public resources.

I say that you cannot get more independent than the Tasmanian Electoral Commission. What this motion would do is not only take away that suggestion, but put this in the hands of members of parliament who, arguably, cannot be that independent.

[12.46 p.m.]

Ms JOHNSTON (Clark) - Mr Speaker, I will respond to the Attorney-General's contribution on this and thank the Leader of the Greens, Ms O'Connor, for her amendment to facilitate members of this House to participate should the Government have a remarkable change of heart on this in about 15 minutes.

As Ms Haddad clearly said beforehand, this is not about politics. This is about democracy and ensuring our democratic institutions are upheld, protected and enhanced. It is nothing unusual for parliaments in Australian jurisdictions to have a regular review following an election of the process and conduct of an election. There is nothing unusual.

It is remarkable how the Government protests so much about this and it leads me to the conclusion they must be only scared and is the only reason why they would not support this - because they are scared of what a proper review might uncover. It is disappointing to hear the Attorney-General remark about disenfranchisement of voters in an election and say it does not matter. It does matter that almost 4000 voters in Tasmania could not participate in the election in 2021, for whatever reason, and I want to know why.

That is a reasonable question this parliament should be asking. When you have so many members of the community who could not participate and could not vote because when they turned up to a polling booth there was not a ballot paper for them is of concern. I understand the TEC has reported this and they have provided an explanation, but I want to know about the systemic issues around this, about why it has happened and what is going to be done to rectify it.

There were 1683 voters in Derwent and 1723 voters in Windermere who tried to vote outside their Legislative Council divisions and were unable to vote because they did not have a ballot paper for them. A further nearly 600 voters, for whatever reason, simply did not vote in the Legislative Council elections. We all have a democratic right and responsibility to participate in elections. I am deeply concerned that the Attorney-General scoffs at the suggestion these 4000 voters did not matter. It might not have changed the outcome of the election; that is not what I am interested in. What I am interested in -

Ms ARCHER - Point of order, Mr Speaker. I did not scoff and I did not say they did not matter. I ask the member to withdraw that. I take personal offence to that comment because I did not say it. She needs to be careful when she quotes.

Mr SPEAKER - If you could withdraw.

Ms JOHNSTON - She scoffed, Mr Speaker, at the suggestion that 4000 people who could not participate -

Ms ARCHER - Point of order, Mr Speaker. She is just repeating and I did ask her to withdraw that comment, because I did not make it. I take personal offence to the suggestion that she said I scoffed.

Ms JOHNSTON - I withdraw the comment, Mr Speaker.

Mr SPEAKER - When you withdraw a comment, it should be made without reflection.

Ms JOHNSTON - I withdraw the comment. I think *Hansard* can reflect what the Attorney-General said about these voters.

Ms ARCHER - No, no. Mr Speaker, it needs to be unreserved. I did not scoff and I did not say that 4000 electors did not matter.

Ms JOHNSTON - I withdraw the comment, Mr Speaker.

Ms Archer - I know you are new, but get it right.

Mr SPEAKER - Order.

Ms JOHNSTON - Earlier in this debate we had some wonderful girls from St Mary's sitting in the public gallery listening to us. I spoke to them about the importance of democracy and democratic rights before we commenced this debate. They are not old enough to vote yet, but these girls understood the importance of turning up to a polling booth and casting their votes. They understood that and they firmly believed that this parliament should do all that we can to protect that and to enhance it.

When I turned up to my polling booth on 1 May to cast my vote at the Claremont Girl Guide Hall, in the division of Derwent, I lined up in a very long line to cast my vote. I listened and I heard great confusion amongst members of the public about what they had to do. Despite the TEC's staff's wonderful and best efforts to try to provide information to members of the public that if they were in the division of Derwent to vote in both elections, there was genuine confusion. This gave me great concern. We need to do things better. We need to make sure that people can participate in democratic processes and it is a fundamental responsibility of this parliament.

I note that the Attorney-General raised concerns and suggested that this be a duplication of what the TEC already does. It is not a duplication. Again, I point to the fact that the federal parliament conducts, as a matter of course, a standing committee inquiry, and the Australian Electoral Commission participates in that. If it is good enough for the federal parliament and it is good enough for many other jurisdictions, then surely we can participate in a joint committee with the upper House to at least give us some assurances about the election processes and the conduct of elections and to make sure that the public, most importantly, have faith in this important democratic process and that we can do much better.

I can only conclude that, because the Government has let this motion sit on the notice paper for quite some time, they want it to wither on the vine, but I am proud to have brought it forward on behalf of the Legislative Council, to seek that this House participate in this committee. I can only conclude that the Government's continual objection to this is because they are scared.

[12.52 p.m.]

Ms HADDAD (Clark) - Mr Speaker, I will not speak for long because I know that the time will expire quickly, but Labor will support the amendment. It is procedural. It makes sense to add members of the lower House to the constitution of the committee, but I will reflect as well on some of what has been said by the Attorney-General. All those states that have standing committees in place that look at the conduct of elections also have electoral commissions and many of them have bodies similar to the Integrity Commission.

That is the point. It could only be read as a criticism of those committees that operate in the Commonwealth, Victoria, New South Wales and other places as well. It is an important part of the review process. I am not going to go into the detail here, because I did so at Estimates and I know the time will expire. I did not intend to go into some of the things that I believe did go wrong in the 2021 election campaign, because, to me, that was not the point of

this debate. The point of this debate was that these committees exist elsewhere and there is a role for one in Tasmania.

There were things that I raised throughout the campaign that would have been in scope of a committee like this to look at that were not in scope for Police, or the Electoral Commission, or the Integrity Commission. I referred it to those places. That was the use of public funds to produce some Liberal Party materials during the election campaign.

The point is that these committees that exist in other parliaments do not exist in a way that undermines the independence of the electoral commissions in those jurisdictions and likewise do not undermine bodies like the Integrity Commission and others like them. As we have heard from Ms Johnston and from the Leader of the Greens, Ms O'Connor there were significant issues went on with the concurrence of these two elections.

Thousands of people were not handed ballot papers, or turned up in the right division but were not able to get a ballot paper for the upper House divisions. I am told, that in Windermere there were some people who turned up to booths to vote in Bass and Windermere and did not receive a Windermere paper. Again, that is not a criticism of the Electoral Commission. It is a fact of something that went wrong in this election campaign just held that would be in scope for investigation by a committee like this one.

These are some reflections on some of what has been said by the speakers, but Labor will support the amendment put forward by Ms O'Connor to add lower House members to the committee.

Mr SPEAKER - The question is that the amendment be agreed to.

The House divided -

AYES 12	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay (Teller)	Mr Ellis (Teller)
Ms Haddad	Mr Ferguson
Ms Johnston	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff
Mr Winter	Mr Street
Dr Woodruff	Mr Tucker

Mr SPEAKER - As a result of the division being 12 Ayes and 12 Noes, in accordance with Standing Order 167, I cast my vote with the Noes.

Amendment negatived.

Mr SPEAKER - The question is that the motion be agreed to.

The House divided -

AYES 12	NOES 12
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay (Teller)	Mr Ellis (Teller)
Ms Haddad	Mr Ferguson
Ms Johnston	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff
Mr Winter	Mr Street
Dr Woodruff	Mr Tucker

Mr SPEAKER - As a result of the division being 12 Ayes and 12 Noes, in accordance with Standing Order 167, I cast my vote with the Noes.

Motion negatived.

Sitting suspended from 1.02 p.m. to 2.30 p.m.

FOREST MANAGEMENT AMENDMENT (MINIMUM SAWLOG QUOTA REPEAL) BILL 2021 (No. 44)

Second Reading

[2.30 p.m.]

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

That the bill be now read the second time.

This bill removes section 16 of the act to eliminate the mandated forest destruction quota of 137 000 cubic metres a year. The Greens are moving to end the mandated forest destruction quota because it is 2021 and we are in a climate emergency. This is not a drill. The future of life on Earth hangs in the balance.

We are moving this bill because the planet, the climate, cannot afford for Tasmania's beautiful carbon-rich forest habitats to be flattened and torched. We have to keep that carbon safe in our forests and restore forests to sequester more carbon and create more habitat. We bring this on to give the exquisite swift parrot a chance at survival and for every marvellous, utterly Tasmanian and unique wild creature that depends on our forests for existence.

We do this for young people, distressed as they are about the future and manifest lack of leadership from entrenched old parties of government. They want an end to native forest logging. That is what young people tell us, that is what they are saying at school strikes, that

is what they have told the Commissioner for Children and Young People and it is what I hear they have been telling the Premier.

We also move this repeal bill in order to keep Tasmanian communities safe from bushfire because, as this House now knows, there are 11 peer-reviewed papers confirming the link between native forest logging and bushfire risk.

We do this for takayna, that glorious wilderness with its vast area of temperate rainforest that speaks to us of ancient Gondwana and its forests which are being smashed and burned by a mendicant, heavily subsidised industry, as we speak.

We do this for the beekeepers whose leatherwood trees continue to be smashed and burned in defiance of a government commitment to protect the leatherwood trees honey producers rely on. The Greens are moving to repeal the quota because its very existence costs taxpayers through the nose in the form of massive subsidies to the mendicant native forest logging industry.

The mandated destruction quota is also holding Forestry Tasmania back from ever securing forest stewardship certification as it has to cut the forests harder and harder in order to meet its legislated obligations. For all these reasons the Greens know the minimum mandated forest destruction quota must be repealed. It is, quite simply, the right thing to do.

I want to acknowledge that this week outside parliament there have been actions put on by Extinction Rebellion and Extinction Rebellion Youth. I want to acknowledge the presence in the Chamber today of Mika and Sheree who are on a seven-day hunger strike to drive governments to deliver real climate action and, of course, ending native forest logging is a very important part of meaningful climate action.

I also acknowledge the young people who greeted us outside this beautiful building yesterday morning from Extinction Rebellion Youth with their ghost prams playing that haunting music *Ave Maria* as they called on all of us in this place to really take on climate action. What gives young people hope is meaningful action. If we repeal the minimum sawlog quota as a path towards ending native forest logging in this state, we will give young people real hope. It is vital that we do.

I also acknowledge the presence in the House today of the former Tasmanian Greens leader and Australian Greens leader, Bob Brown, who is also the head of the Bob Brown Foundation, and his mighty campaigning colleagues, Jenny Webber and Tom Allan from the Wilderness Society. These visitors to the Chamber have been working hard to protect these beautiful forests for decades. I thank them for that work.

The United Nations released a report overnight which the Secretary-General of the United Nations called a, 'thundering wake up call for humanity'. We are on track under current government policy and commitments to 2.7 degrees of warming by the end of the century. That is quite literally an uninhabitable baked planet. We cannot allow that to happen. What the UN report tells us is that we need to globally cut emissions by 55 per cent by 2030.

Of course, Tasmania is only a small island but it has vast tracts of carbon-rich forest. It is our responsibility to protect those forests and keep the carbon that is in them safely stored within them.

We would like to think that other members in this place will think very carefully if they are going to make a contribution on this repeal bill about, for example, young people who might be watching this debate. We hope they try to avoid getting up and using it as an opportunity to sledge the Greens and conservationists who are fighting to defend our beautiful forests. Let us have an informed and nuanced discussion about this policy issue.

I hope that both the minister and Dr Broad have the capacity for insight to have a look at this repeal bill and think, 'Why would we have a mandated quota?' They know full well the damage that is caused and they know full well it comes at a massive cost to the taxpayers' purse.

As we know, the beautiful swift parrot is down to an estimated 300 birds, according to the Australian National University. There are 300 of these incredible birds left on the planet. They are dependent on our forests. Without forest protection the swift parrot will vanish completely. We have to do things differently. Instead of accepting its responsibility to protect forests, to protect the swift parrot, what we have had out of government on this issue is greenwashing. We had the false claim that 10 000 hectares of swift parrot habitat was being set aside to protect the bird, which the Greens had confirmed at Budget Estimates is 9300 hectares. As we know when you look at the maps that is nowhere near enough to protect that beautiful bird. It does not cover the birds' range in Tasmania. It is unconscionable that this parliament on its watch would allow the swift parrot to go extinct. Well, Dr Woodruff and I think it is unconscionable.

There is also all the other beautiful wildlife that depend on our forests - masked owls, Tasmanian devils, Tasmanian giant freshwater crayfish. These are creatures which you will not find anywhere else on the planet apart from on this beautiful little island: this island which still has rich biodiversity, carbon-rich beautiful forests that can be protected.

I want to talk about what young people who contributed to the Commissioner for Children and Young People Consultation told the commission about the kind of climate action they want to see. The protection of native forests was a standout issue for young people in this consultation. They want to see sustainable adaptation of agriculture and forestry. Young people recognise that we need jobs but we need to do it while we are protecting the environment. More action on climate change. On their list of asks, number three on the list after banning single use plastics in Tasmania and requiring a better level of waste protection and recycling, they want a ban on native forest harvesting.

As members in this place well know, the forest industry's own polling confirms that, overwhelmingly, Australians want an end to native forest logging, as does the Tasmania Together process which was embarked on during Jim Bacon's premiership that found 75 to 80 per cent of Tasmanians, through that extensive consultation, want an end to native forest logging. On his death bed, the former premier told a member of the press who was a friend of his, that it was one of his greatest regrets that he did not move to end native forest logging.

Victoria's Premier, Dan Andrews, has announced an end to native forest logging. We think it is too far off in the future and that date will give the industry in Victoria far too much time to continue to devastate those forests.

The Western Australian Premier, Mark McGowan, only a month ago, having seen and read the latest IPCC report on the climate, announced an end to native forest logging within three years. That is what real leadership looks like. Leadership that can cut through the politics,

put aside the partisanship, listen to the science, listen to young people and listen to their conscience. When you listen to your conscience, you know there is no justification for logging native forests.

On this island, over decades, we have seen successive major party governments pump money, subsidies, into the native forest logging industry in a manner that prevents the industry from transitioning to plantations as it must. It has kept the industry on the public teat for a very long time. That has held the industry back from becoming a truly sustainable forest industry.

Without reflecting on the debate in Greens' Private Members' time last week, I will briefly talk about the evidence which is now overwhelming that there is increased risk of bushfires as a result of native forest logging. The paper that came out of the University of Tasmania about five weeks ago, which says 'fire risk and severity decline within stand development in Tasmanian Giant Eucalypt forest', is the eleventh peer reviewed paper that draws the link between native forest logging and increased risk of bushfire.

This Government and this parliament cannot say that it has not been warned. It has the evidence before it now of that risk. It is negligent not to act on that evidence to reduce the risk and to keep Tasmanian communities safe.

We have only had from the minister and Dr Broad, on this critical community safety issue, hot air. A refusal to acknowledge the science. Before this paper came out, we had minister Barnett and Dr Broad attack scientists from the University of Tasmania including Dr Jen Sanger and Jamie Kirkpatrick, because they had to withdraw a paper as a result of flawed data that was provided to them. They acted ethically. They were acting in the public interest in undertaking this work, but they are utterly vindicated by the paper that has come out about a month ago. We are still waiting to hear an apology from either the minister or Dr Broad about the way they vilified the scientists who had been working on public good science, who had to withdraw that paper.

If we just step past that, what we have here is evidence that the forestry regime in Tasmania is placing people at risk. A minimum sawlog quota is part of that, because Forestry Tasmania has a legislated responsibility to provide 137 000 cubic metres of native forest timber every year. They are cutting those forests harder and harder.

Where does most of that timber go, at a loss, because it is not FSC certified? Most of it goes to China. We export 900 000 tonnes of native forest woodchips off this island, every year. In fact, if anyone doubts that, it is in Forestry Tasmania's three-year wood production plan. That is a travesty. You cannot call an industry sustainable if what you are doing is turning these miraculous forests into chips. There is no carbon-sequestering value in woodchips. You have a multiple travesty here, where you are clear-felling, replacing a whole forest, just clear-felling it, burning it, chipping it and then the carbon that was stored in those mighty forests, soon after, is gone.

As we know, all of this right now is happening at the most staggering loss to Tasmanian taxpayers. According to Dr John Lawrence, a highly-respected economist, and these figures that he has put out no-one has disputed, says that:

> Between 1997 and 2017 Forestry Tasmania's total operating cash losses, over that 20 years, was $454 million.

That is public money. It is a bit like getting Forestry Tasmania to fill shipping containers full of $50 notes and sending them to China. It would probably be cheaper. According to John Lawrence, who has been through FT's annual report and a 2008 report of the Auditor-General, the Regional Forest Agreement has comprehensively failed to deliver on its economic sustainability promise. In 1998, Forestry Tasmania's assets, that is roads, forests and lands, were valued at $852 million. There has been a very significant asset value right down and now Forestry Tasmania estimates its assets to be worth $101 million. That is a staggering collapse of asset value for a publicly-owned and funded government business.

If you add the losses and the total write-down, Forestry Tasmania has lost value, or cash of $1.3 billion, between 1997 and 2017 -

Dr Woodruff - Shame.

Ms O'CONNOR - That's right, Dr Woodruff, it is an absolute shame.

The average loss perpetuated by Forestry Tasmania as a result of the minimum saw-log quota and government policy is around $65 million a year. This figure has never been denied by Government. If the minister wants to clarify the numbers we encourage him to do so. We have been trying to get to the bottom of these numbers for a very long time. All these subsidies mean Forestry Tasmania sells every tree it cuts at a loss. All these subsidies are pretty much hidden in contracts that roll out to 2027 and so, you do not really see what the industry is paying for this publicly-owned resource. Forestry Tasmania's own board is very clear about that in a letter it wrote on 29 September 2016, specifically about the 137 000 cubic metre minimum sawlog quota, the Forestry Tasmania Board said to the then Treasurer, Mr Gutwein, and Minister for Resources, Mr Barnett, who are the two shareholder ministers in Forestry Tasmania:

> It should be noted that Forestry Tasmania receives, relative to some other jurisdictions, stumpage averaged across all-natural forest product types. That is approximately 50 per cent below the stumpage being achieved in those jurisdictions.
>
> It would appear that this differential is structural and has been contractually embedded during previous price negotiations.

This letter is a plea for Government to reduce the minimum sawlog quota from 137 000 cubic metres to 96 000 cubic metres, which the Forestry Tasmania Board believed could be a sustainable yield. We do not support any mandated minimum sawlog quota, but I thought that was worth pointing out to the House. On that point, the board says:

> Modelling suggests that Forestry Tasmania could currently provide as much as 96 000 cubic metres of sawlog and 154 000 tons of peeler logs in a commercial manner from the existing native forest estate under plausible scenarios. The supply is, however, lower than the contracted volumes and also lower than the legislated minimum required to be made available.
>
> Under the legislative framework, while there is an obligation to make the wood available, it does not require Forestry Tasmania to make it available to industry with an inherent subsidy or on a non-commercial, loss-making basis.

However, as we know, that is exactly what happens. All of the wood provided under the mandated minimum sawlog quota is heavily subsidised and it is sold at below the cost of planting, maintaining, and production. It is a staggering waste of public funds.

What was the minister's response to this letter? It was the failed forestry unlocking production forests legislation, where this minister wanted to allow the industry to access the future reserve forests. That is the 365 000 hectares of high conservation value forest that dots this beautiful island from one point of the compass to the next that was set aside under the Tasmanian Forest Agreement. The Government gagged debate on that bill and jammed it through the House in the dead of night. It went upstairs, where it died a slow death and that legislation, fortunately, in 2016 did not make it through both Houses of parliament because it was partisan. It was designed to inflame conservationists and it had no justification in a time of climate and biodiversity emergency.

Those forests - the future reserve forests - are some of the most carbon rich, miraculous places on earth. You will find those places all over this island - beautiful forests. Sometimes, when I get really frustrated in here, when we are having debates about climate and forests, I do wonder how often Mr Barnett and Dr Broad go into a forest and just sit and feel it, and experience that miracle. Once you have done that and comprehended the spectacular place you are in - the absolute magic of it - I cannot understand the mindset that says, 'We're going to clear fell this, flatten every tree here, then we're going to burn it'. Those beautiful trees. You can see them when you are coming down the Brooker Highway at Brighton, in the timberyard there. Some of those trees, those trunks that are sitting there, are massive.

Yet we have a government that says it does not log forest giants. Well, there are plenty of giants in the McKays Timber Yard. They are all there as a result of a public subsidy and an ideological attachment of both the major parties in this place to native forest logging, which has kept a mendicant industry on the public teat and held it back from transitioning to plantations for decades.

It is ideological, native forest logging in Tasmania. The real growth in the forest sector is in plantations; and indeed, it is in companies like Forico which, on 8 October, put out its natural values report. This is a company that is so proud of looking after forests and, not only that, it is able to see a path through to creating a real value, a real dollar value, of the forests it protects. I will read from Mr Bryan Hayes media release; but, as an aside, Bryan Hayes used to work for Gunns Limited. He was very close to John Gay. I do not ever remember having a conversation with him during those years but Bryan Hayes these days, looks happy. He looks happy, because the work that he is doing for Forico has real meaning. It is creative rather than destructive. It is thinking about the future in a really sensible and empathetic way.

Bryan is talking about the release of the Australian first natural capital report. He says:

> The report sets a benchmark for business and industry and environmental stewardship and corporate sustainability reporting. Natural Capital Reporting measures the value of natural assets alongside traditional metrics of production volumes and profit and loss. Essentially, it puts a dollar figure on how much the natural environment matters.

Forico Chief Executive Officer, Bryan Hayes said the report demonstrates an overall net positive contribution to the environment from sustainably managed plantations and natural

forests. Forico's Net Natural Capital Value for 2021 has been conservatively estimated at $3.4 billion which can be split between $400 million to business and $3 billion to society. Here is a quote from him:

> Assigning a financial value to the importance of habitat, vegetation and biodiversity is evolving fast, and leading government offset schemes would value our natural forest areas at more $7 billion.

Using the social cost of carbon derived by the US Environmental Protection Agency - which is estimated at A$68 a tonne of CO_2 equivalent - the value of carbon sequestered on Forico's estate could be as high as $9.2 billion. This is surely the path that Tasmania's forest GBE should be heading down. It is Greens' policy, in fact, to turn Forestry Tasmania into Forests Tasmania; to turn that entity into a carbon farmer and restoration agency which would be fantastic in the UN Decade on Ecosystem Restoration**,** which is where we are now.

We know that this repeal has the support of young people, thoughtful Tasmanians. It also, of course, has the support of a number of key stakeholders in the conservation movement. Scott Jordan from the Bob Brown Foundation has urged parliament to vote for this bill. He says:

> This anachronistic law forces regulators to ignore science, ignore economics, and ignore community concerns and, instead, forces them to meet an arbitrary quota. It is one of the biggest legislative impediments to the transition to a sustainable plantation-based forestry sector.
>
> Under section 16, we have seen Tasmania lag behind on the transition out of native forest with Tasmania's native forest harvest almost double the national rate and yet we score lowest on our financial returns per cubic metre of native forest logged of any state. Section 16 forces us to log beyond our environmental capacity and then sell beyond the market's capacity. It is a fool's paradigm.

He concludes with:

> The long-term market trend is to plantations, and the climate emergency we face means there is no time to waste. Section 16 should go, and it should be followed by an end to all native forest logging.

From Tom Allen at the Wilderness Society:

> Removing this government-mandated quota is important to reduce the amount of High Conservation Value forest destroyed by Forestry Tasmania, for example, all swift parrot habitat, which should be protected from logging.
>
> The Liberal Government claims that private enterprise and 'free markets' are the best forms of economic management but this government-enforced logging quota is Soviet-style economics.
>
> The Government says it prefers privatisation but is using taxpayer funds to interfere in the market, enforcing a mindlessly - destructive logging quota

that destroys this island's remaining High Conservation Value forests for commercial loss.

Civil society here, organisations like BBF, the Wilderness Society, the Tasmanian Conservation Trust, Extinction Rebellion and the Greens will not allow that to happen. We have to stop smashing these incredible forests and turning them into chips to send to China at a massive loss. They are such places of wonder.

Both the Victorian and Western Australian premiers have seen the light and announced an end to native forest logging. They have listened to their communities who see this logging as a devastating and expensive travesty. They have listened to the science, listened to their conscience and they have listened to their children.

We have to start looking at the real value of these beautiful forests, their intrinsic value, their value to the planet, to the climate, to young people and to every living thing. This morning, without a shred of irony on the day we are debating legislation that will consign generations of Tasmanians to gambling addiction and profound life-limiting harm, Mr Barnett started in answer to a Dorothy Dixer with the statement that, 'The Government will always act in the best interests of Tasmania'. If that was true, the Government would support this repeal bill. It is the ethical, rational, empathetic, scientific course of action. It is quite simply the right thing to do.

I commend the bill to the House.

[3.02 p.m.]

Mr BARNETT (Lyons - Minister for Resources) - Mr Speaker, we will not be supporting this bill. There is no surprise in that, but it is another day and another Greens political stunt. This time they have returned to the well. It is yet another attack on our sustainable forestry sector and on jobs. Let there be no mistake. This is simply the latest attempt to shut down our sustainable forest industry and to throw Tasmanians out of work on to the unemployment scrap heap. The irony in this bill that has been brought forward by the Leader of the Greens is that it is based on the minimum sawlog quota that the Greens -

Ms O'Connor - Yes, under the TFA, which you smashed up.

Mr BARNETT - under the TFA, introduced into this parliament -

Ms O'Connor - We cut it from 300 000 cubic -

Mr SPEAKER - Order, Ms O'Connor.

Mr BARNETT - The irony is, that the Leader of the Greens is bringing forward a motion to demolish the bill that she crafted on behalf of the Greens, together with others -

Ms O'Connor - I did not craft it.

Mr BARNETT - What did that do? That established a 137 000 cubic metres of minimum sawlog quota at the time which was in fact more than half of what was available prior to that - 300 000 down to 137 000 in one fell swoop, thanks to the lock-ups of the Labor-Greens government. That is what this is all about. The irony is that we have the Leader of the

Greens coming into this place, bringing in a bill, to move the goal posts once again. This is a well-known tactic of the Greens.

Ms O'Connor - What, eight years later?

Mr SPEAKER - Order. Ms O'Connor, you were listened to in silence. I am sure you do not want to be thrown out through this debate because of what is in front of the House for the rest of the day. Can you please listen to the minister? He is allowed his view. You have had plenty of time to put your case in silence so I expect the same courtesy to be provided to the minister.

Minister, if you would provide your response through the Chair, and we will get through this quite easily.

Mr BARNETT - Thank you very much, Mr Speaker. Much appreciated.

The level of hypocrisy knows no bounds; it is gigantic. For the Leader of the Greens to come into this place, to bring in a bill and to demolish a minimum sawlog quota that the Greens established with the Labor Party back in 2013 -

Ms O'CONNOR - Point of order, Mr Speaker, that is simply incorrect. If he could just correct the record, it was parliament that established that minimum sawlog quota.

Mr SPEAKER - That is not a point of order, and you know it. If you wish to correct the record in another debate you can do that later on. The minister is on his feet now so please allow him the opportunity to speak.

Mr BARNETT - Thank you very much. Of course, this act of moving the goalposts is a typical Greens strategy. It is another example of the propensity of the radical environmentalists to move the goalposts to suit their objectives.

In that regard, I acknowledge in the Chamber, Dr Bob Brown, from the Bob Brown Foundation. I acknowledge Jenny Webber and Tom Allen from the Wilderness Society. What we do know is that we have the parliamentary arm of the Bob Brown Foundation acting in accordance with the views of the Bob Brown Foundation. I acknowledge them. I know he is a long-time campaigner and we agree to disagree on so many things.

I make that point because this is all about shutting down the native forest industry and throwing Tasmanians out of work. It is consistent with exactly what happened under the Labor-Greens government when two out of three forestry jobs were lost. Let us not take this lightly; this is really serious. This is what happens. Two out of three jobs were lost; 4000 jobs were lost. Where were they lost? They were lost in rural and regional Tasmania, in Triabunna, in Smithton, in Scottsdale -

Dr Woodruff - The industry came to the Government on its knees, absolutely, desperate for a future agreement.

Mr BARNETT - You are trying to justify the throwing out of work of those Tasmanians.

Dr Woodruff - They got paid out, there was a huge compensation -

Mr SPEAKER - Order, member for Franklin.

Mr BARNETT - The shame of that on the Tasmanian community. Then they responded in droves, of course, in 2014 electing a majority Liberal government and then again and again. That is what they have been doing.

Let me make it very clear: the position of the Government is that wood is good. We are surrounded by wood in this Chamber. Wood is good because it is also a carbon sink. This is environmentally of great benefit to Tasmania and to this community. Wood is good. It is sustainable. It is renewable. It is the ultimate renewable. Trees grow really well in Tasmania and we should support the industry. Trees that are harvested are replanted. That is what we want: a renewable approach.

In terms of Sustainable Timber Tasmania (STT) let me make it very clear. We expect them to make this wood available to meet that demand: the 137 000 cubic metres. They have made a profit. Thankfully, after nearly a decade, now three or four years of making a profit, it is fantastic.

Ms O'Connor - A massive loss. After you made them sell their plantations.

Mr SPEAKER - Order, Ms O'Connor.

Mr BARNETT - They are in the black, thanks to our reforms to rebuild the forest industry and get STT into the black. That is very good news. The tax payers of Tasmania can be thankful for that.

As a government we make decisions based on science, evidence, not on knee-jerk stunts like this bill. This is pre-empting the sustainable yield report which is due mid next year. It is a reckless approach that has the potential to destroy the industry. We are talking about 40 per cent of the jobs in our forest industry in the native forestry sector.

What does this mean for housing and construction? We know it is really important. It potentially means poorer climate outcomes, including more wood being imported. That would be the net result of this Greens bill being successful: importing more wood.

The Tasmanian Forest Products Association said last month, on 15 September:

> The move by the Tasmanian Greens to abolish sawlog quotas will simply result in timber being imported from unregulated overseas markets.

To further quote:

> Reliance on imports increases the sovereign risk of timber supply and drives our consumers, builders and manufacturers to reliance on imported timber. It will simply open up markets for carbon-intensive and non-renewable construction materials.

Plantation timber alone cannot provide the full range of current timber products or meet current demand for timber products, especially at a time when we know housing and

construction demand is there. It beggars belief at a time of high demand for housing and building materials that the Greens would seek to undermine that supply of timber.

The Greens talk often about climate change yet they do not congratulate the Tasmanian Government and the Tasmanian people for the success we have had. Six out of the last seven years, zero net emissions. We are leading Australia, we are leading the world. We have plans now for zero net emissions. That is what we want to do, to get there, based on this very positive feedback we are having, by 2030, subject to and together with a growing economy creating more jobs. That is what we are on about as a government.

In terms of the science and the evidence, because the Leader of the Greens made reference to science, the international panel for climate change, in August 2019, said:

> Sustainable forest management can prevent deforestation, maintain and enhance carbon sinks and contribute towards GHG emissions reduction goals. Sustainable forest management generates socio-economic benefits and provides fibre, timber and bio-mass to meet society's growing demands.

It goes on:

> Sustainable forest management can maintain and enhanced forestry carbon stocks and can maintain forest carbon sinks, including by transferring carbon to wood products.

As I have said, wood is good and:

> Sustainable forest management can maintain or enhance forest carbon stocks and can maintain forest carbon sinks.

The research shows that a mixed strategy of conservation and timber production is more likely to be optimal for atmospheric carbon reduction.

What else can we say? Trees that are actively growing absorb carbon, removing it from the atmosphere and storing it as wood, about three times as much carbon as old mature trees as a general rule of thumb. Mature trees absorb a miniscule amount of carbon in comparison to growing trees, which is why the cycle of harvesting trees then replanting and regrowing forests takes significantly more carbon from the atmosphere than ceasing harvesting.

Mr Speaker, let me make a few other remarks, first, about the reference to Victoria and Western Australia. In their disdain for the native forestry sector, the Greens have obviously had some influence. That influence has been exercised in Victoria and in Western Australia to the shame of those two Labor governments. The Victorian Labor Government and the Western Australian Labor Government are now announcing that they will shut down their native forestry sectors and, with respect to Western Australia, without notice to the industry. It means that you cannot trust Labor when it comes to forestry jobs.

Of course, Labor signed the TFA with the Greens - two out of three jobs were lost, reduction of 50 per cent in the sawlog quota - back in 2013 -

Ms O'Connor - More than that.

Mr BARNETT - more than a 50 per cent reduction, from 300 000 down to 137 000 cubic metres: 4000 jobs lost, two out of three jobs all gone -

Ms O'Connor - Four thousand jobs lost is a complete lie.

Mr SPEAKER - Ms O'Connor, order. If I have to talk to you again you will be out until the morning, so, please.

Mr BARNETT - We know there is a civil war happening in the Labor Party, on the other side, so I do not know exactly how it will play out in the public domain.

Members interjecting.

Dr WOODRUFF - Point of order, Mr Speaker. Can you please provide some clarification? You just directed Ms O'Connor to be quiet and I guess you are asking all members of the Chamber to be equally silent?

Mr SPEAKER - I am glad you point that out - all members of the Chamber, yes.

Dr WOODRUFF - Okay, as long as everyone is in the same boat in this place.

Mr SPEAKER - When I call 'order' without mentioning any names, that is to the Chamber.

Mr BARNETT - Thank you very much, Mr Speaker. As I was saying, that is a matter for the Labor Party where they stand on this. It is also a matter for the Labor Party where they stand on the workplace protection legislation. Clearly, it is important to the forestry industry and I am looking forward to further feedback on that regarding the Labor Party. I will not say more on that at the moment. I know how important it is to our productive industries but time does not allow me today.

Let me outline the commitment we have to our forestry industry and that is, we are all about supporting the industry. There is no stronger supporter than the majority Gutwein Liberal Government - $1.2 billion industry, over 5000 jobs in our regional communities and less than one per cent of our native forests are harvested in a given year.

In Tasmania, we have one of the highest proportions of reserved land in the world, with 51 per cent of our forest land in formal reserves and 58 per cent of our native forests protected in reserves. Over one million hectares of Tasmania's old-growth forests are protected. That is about 85 per cent. An overwhelming majority of trees harvested in Tasmania are plantation and regrowth. This is something they do not like to acknowledge but it is a fact. It exceeds the Government's obligation to reserve at least 60 per cent of the old growth. Roughly 800 000 hectares of permanent timber production-zoned land in Tasmania - less than half - contain native forest that can be harvested. Sustainable Timber Tasmania harvest trees, replant them and regrow them as forest. Sustainable Timber Tasmania planted more than 160 million native trees in 2020-21 - more than any other group or organisation in Tasmania. It all contributes to wood, which is 'good'.

We are the first state in Australia with a wood encouragement policy. We backed it at the election with $11.7 million in forestry commitments, $10 million over five years for more

on-island processing and value-adding, timber promotions, board funding, and a full-time wood encouragement officer. We gave commitments at the election on providing long-term resource supply for our sawmills beyond 2027. We have done much more, including supporting capacity-building and skills and training development, support for research development and a lot more.

We support the Launceston-based National Institute for Forest Products Innovation. The Premier and I recently wrote to the Prime Minister about the UTAS/Australian Forest Products Association proposal for the $200 million national centre in Tasmania, which would be jointly funded by the Australian Government and industry. That has our support.

In conclusion, Mr Speaker, this is nothing more than the most significant, gigantic act of hypocrisy that has been seen in recent decades in Tasmanian political history. This act of hypocrisy from the Greens should be rejected.

[3.19 p.m.]

Dr BROAD (Braddon) - Mr Speaker, it will not be a surprise to anybody that Labor will not be supporting this bill.

To ask some questions here - rhetorical questions, Mr Speaker, I am not seeking interjections: Tasmania is currently a net zero jurisdiction and we look like being a net zero jurisdiction now and long into the future. Half our state is in reserves and any native timber harvested by Sustainable Timbers Tasmania is regenerated. All this is overseen by the Forest Practices Authority. The question I want people to ask themselves is, where in the world would it be a better jurisdiction to harvest native hardwoods? There is no better place and it is done sustainably.

This bill is rather simple. It is only a very few words. All of the damage is done in point 4, section 16 repeal. Section 16 of the principal act is repealed. So, an incredible amount of damage would be done with seven words and one number, not only to the Tasmanian forest industry but also to any investor's confidence in the Tasmanian Government or indeed, investment in Tasmania. The Greens do not care about the damage that this bill would wreak. It would send shivers through the spine of any investor looking at investing in Tasmania and people who rely on the native timber industry for their jobs and livelihood. There is no just transition in this.

If this bill got through parliament, the workers would be thrown on the scrap heap with no compensation. They would wake up tomorrow without a job, without a future and without any compensation. Businesses would crumble overnight and would be worth virtually zero because of this bill, because of those seven words and one number.

The Greens do not care about that. This is simply a stunt. They do not believe that this would ever pass because no government or opposition in their right mind would ever pass something like this. This is absolute economic destruction at large.

Dr Woodruff - Yes, you would not have been party to the Forest Agreement.

Mr SPEAKER - Order, member for Franklin. You made the point of order a while ago, please.

Dr BROAD - Where in the world is a better jurisdiction where native timber harvesting is done better? Half our state is in reserves.

To give you an idea about Tasmania, according to some work I asked the parliamentary research service to do, Tasmania has approximately 3.7 million hectares of forests which is roughly 54 per cent of Tasmania's land mass. In this financial year, Sustainable Timber Tasmania will harvest 3700 hectares selectively, 1320 hectares will be clear-felled, and 966 hectares will be hardwood plantations harvested. That works out to be 0.13 per cent of Tasmania's forests. We are talking about 0.1 per cent.

From the member for Clark's contribution, you would believe that all Sustainable Timber Tasmania is doing is clear-felling everything. It is not. A total of 3700 hectares were selectively logged; only 1320 hectares were clear-felled, which is even way less than 0.13 per cent. That would be 0.04 per cent or something around there.

The amount of native forestry actually harvested in Tasmania is minuscule compared to the amount of forest cover in Tasmania. Where in the world would it be a better place to harvest native timber?

The minister highlighted a good point. He made some bad points but he made some good points too. That is: where would hardwood come from? It would come from places like Indonesia. It would be harvested and no doubt turned into oil palm plantation or the like. Maybe it would come from Brazil, from land that is cleared for cattle, or maybe from West Papua or perhaps the Solomon Islands. If people were going to use hardwood, then that is where it would have to come from. No doubt the Greens would say, 'Let's all switch to plantations'.

The Greens never talk about the whole picture. They only take their little thin slice and they sing to their very small constituency.

If you do not use timber, what do you use? Concrete, steel, plastic, aluminium? What is the carbon cost of those compared to a regenerated forest? The tree gets cut down, it gets milled, processed but what does it replace? That is the key bit that the Greens never ever talk about. It would replace concrete, steel, plastic, aluminium and so on.

There is a building boom going on at the moment so the Tasmanian people, when they ask, 'What are we going to do for our flooring? What product are we going to use?' What is the most sustainable product you could use? If you wanted to use hardwood from Tasmania, it would come from a short trip from Smithton, Brighton, Launceston or the Huon Valley. That would be the journey of that hardwood getting to the floor. It would be harvested, sawn, it would be dried for about 12 months and then it would go straight to someone's floor.

What else could you use? You could use some sort of manufactured timber product that came from overseas. Where could that come from? Would that come from Indonesian forests?

We know that plantation timber is not up to quality to be flooring. What else could you replace it with? Tiles? What would the carbon impact of those tiles be if you did the life cycle of those tiles? What would the cost of that be? Or, maybe you could do concrete. What would be the alternative there? Or carpet, maybe with a generous lashing of petrochemicals in that

carpet. The best, most sustainable solution would be Tasmanian hardwood timber but the Greens say, 'No, you can't have that'. We all know that for them it always comes back to trees.

The Greens also talk about plantations. They say, 'Just drop native forests and we will switch straight into plantations'. We know where that one ends. We have already heard the debates in this place and others about the demonising of plantations.

We heard the member for Clark wax lyrical about Forico. It would not take very long if the native forest sector was decimated by the Greens for them to switch their attention to plantations. They would be saying to Forico, 'Sorry, Forico, but you can't harvest these plantations. You can't use fertiliser. You can't use insecticide. You can't do any of that'. We have heard the arguments in this place before from people like the former member for Braddon, Paul O'Halloran, talking about the devastation of communities from plantations.

We know that the Greens are taking an interest in water quality. They would simply shift their concentration into the impact of plantations on water quality. We have already seen arguments run about the impact on water quality on the east coast - allegations that were completely debunked yet they would re-energise that.

We have seen on the mainland, arguments from Greens and environmentalists about why you cannot harvest plantations. In Western Australia hoop pine plantations cannot be touched because Carnaby's cockatoos have colonised pine plantations. We have seen on the mainland plantations that cannot be harvested because they have been colonised by koalas. All the Greens will do is shift the goalposts and come after plantations next.

We know where this ends. The Greens do not have to worry about what the impact of this would be. Governments of Tasmania as a collective are willing to tear up agreements like this. The 137 000 cubic metres of sawlogs underpins investment. Now we have investors who made decisions about investments into plant, into value-adding, rotary peelers, veneer mills, all those sorts of things to get the maximum value out of a limited resource because the resource did get cut. We all know the resource got cut: 137 000 cubic metres. They made business decisions, investment decisions based on having 137 000 cubic metres out until 2027.

The Greens do not care about that. They are just willing to tear that up. That would be a death knell on investment in Tasmania but they do not care. They do not have to care because all they have to do is narrow cast to their little minority.

Who are these people? They should be running this argument in Indonesia, in West Papua, in the Solomon Islands.

Van Badham, *The Guardian* commentator, described the Greens so eloquently when she said, 'The Greens supporters are privileged, university-educated, middle class concentrated in Australia's richest inner-city suburbs'. This describes the Greens movement.

If you compare the amount of concrete and asphalt in a municipality, you will see a direct relationship to the number of Greens supporters. Instead of coming to Tasmania and saying, 'We need to pull up our bootstraps; we are destroying the environment; we are a net zero carbon emitter; half our state is in reserves', they should be going to their Greens supporters, watching their coal-fired televisions and their coal-fired air conditioners, surrounded by concrete and asphalt. Those are the people they should be talking to, not pushing their middle-class fuel

onto Tasmania and trying to wreck our economy. We are zero net emitters. Half our state is in reserves.

The Greens should be saying to the rest of the world, 'If you want to see a state that is doing the right thing, look at Tasmania'. If the rest of the world was like Tasmania, we would not have problems and climate emergency running away from us. We would be in a much better position. Instead, we have the Greens carrying on like the last tree is about to be cut down. Tearing up agreements like that would wreck our economy and create havoc, destroy jobs, with no compensation, no nothing. It is an outrage.

Members - Hear, hear.

Mr SPEAKER - Member for Franklin, for 10 seconds.

Dr WOODRUFF (Franklin) - The time is up and history will mark us badly if we do not support this bill because we have the children and we have the United Nations Biodiversity -

Time expired.

Mr SPEAKER - The question is that the bill be read for the second time.

The House divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter

Motion negatived.

MOTION

Consumer and Building Sector Protections - Call for a Select Committee - Motion Negatived

[3.35 p.m.]

Ms BUTLER (Lyons) - Mr Speaker, I am honoured to bring to the House this very important Notice of Motion.

Mr SPEAKER - Is a vote required?

Ms BUTLER - Yes. Mr Speaker, I move -

That -

(1) A Select Committee be appointed, with power to send for persons and papers and records, to inquire into and report upon Consumer and Building Sector Protections of the Tasmanian Building and Construction Industry, including -

(a) how to provide better protection for Tasmanians building their homes, including Home Builder Mandatory Warranty Insurance;

(b) processes and practices for the identification and rectification of defects;

(c) the adequacy of current legislative and regulatory mechanisms to ensure building rectification in instances where standards have not been met;

(d) personal experiences that could inform consideration of any of the above; and

(e) other matters incidental thereto.

(2) The Committee shall consist of 5 members, being: 2 from the Government nominated by the Leader of the House; the member for Lyons, Ms Butler MP, the member for Braddon, Dr Broad MP, and the member for Clark, Ms Johnston MP.

(3) The Committee report by 16 September 2022.

Labor is calling for an inquiry into the protections for consumers and our building industry. Our consultation over the last two years has provided us insight into problems within our industry. There is insufficient government oversight. Our current regulations are simply inadequate to cater to our changing workforce capacity and demands. Too many consumers are left thousands of dollars out of pocket, ruining them financially.

Inspectors, surveyors, quality builders, engineers, architects, draftspeople, solicitors who represent consumers and builders' council representatives - the industry has been consulted widely and over a long duration. In fact, I began conversations with Master Builders months ago in relation to calling for this inquiry. I have emails from 17 September referring to our previous conversation in relation to an inquiry. We know that they support the introduction of a home builder warranty insurance. We respect Master Builders' perspective. Even though the minister is quick to attack the person and undermine credibility, we believe it is time for the truth to be examined.

This is not an attack on the industry. This is support for our industry. This is an inquiry to discover what is working and what is not working. Clearly, government oversight needs improvement. We have an obligation to learn, develop recommendations and then have the Government implement them.

The flavour of this Government is a tendency to focus on the 'nothing to see here', damage control at any cost. Good governments ask questions, are not scared to learn the truth, are open to better practices then act on those solutions. Good governments understand the issues in their community. Why not have an inquiry? There is nothing to be scared of. Information is key. Our building and construction industry is too important to our economy and it also employs over 20 000 Tasmanians. Why not look for ways to improve? In my book, if you find a large problem, a problem that is causing massive hardship across your community, you are obliged, as a leader and lawmaker, to fix it. We believe an inquiry would be beneficial to the industry and to consumers. We are, after all, lawmakers in this House and there is nothing wrong with conducting an open, honest, transparent inquiry, an inquiry that lays the cards on the table.

We have some of the best-quality builders in the world here in Tasmania. I have spoken to them, met with them, listened to their stories and their absolute frustration with the current regulatory system. They need protecting. It is their reputations that are tarnished by poorly trained and incompetent work practices. They are, and I quote, 'sick to death of having to clean up other people's messes'.

Or examples were inspectors are asked to sign off work that does not meet the Building Code, and I quote one surveyor:

> Some believe the standard is fluid. It can be bent. It's a matter of interpretation to some in the industry. I feel like I'm banging my head against a brick wall.

Or the electrician who is asked to ignore sub-standard work on large developments, or the tiler who is asked to re-tile an area due to dampness because the builder did not install correct drainage, when new homes are provided with the sign-off despite obvious defects.

Or the builder who lost a court case after a consumer claimed poor workmanship, costing the builder an additional $60 000, where there was no recourse. Or the group of surveyors I met who are considering leaving the industry.

The Government will tell you that this is a stunt - a builder-bashing episode. The Government either does not fully comprehend the magnitude of the issues the industry faces or they are happier with their heads in the sand.

Mr Deputy Speaker, in September 2020, after receiving a number of complaints in relation to water leaks, faulty doors, cracks, water running out of power points and loose carpet in new social and affordable properties in Gagebrook and Bridgewater, I decided to investigate and undertook by my own survey of 87 newly built properties in Bridgewater and Gagebrook. The evidence was compelling. Not all properties I visited were defective, but most were. I do not claim to be an engineer or a builder, but poor building practices were very evident. The reaction from the Government was absolutely bizarre. Instead of taking responsibility for the standard of the properties and assisting on a proper audit of the scale of the issue, they took it on face value that the issues would be rectified by the housing provider and mulched the community concern.

I even asked whether Mr Jaensch, who was then the appropriate minister, would like to come doorknocking with me in the area and look at these properties himself. He politely declined.

What the Government did not realise was the number of building firms, suppliers, contractors, surveyors, engineers, architects, electricians, plumbers, painters and plasterers who contacted us in relation to that particular story. It seemed we had only scratched the surface of a much larger issue. Yes, the housing provider had attempted to fix the defects, but time will tell what the state of the properties will look like in another 20 years.

There is a problem with interpretation of the Building Code. The materials in the property are up to grade of the Australian standard but totally unsuitable for a particular build. A design which cuts corners, the tiny profit margin builders are forced to make due to under-resourcing and very little oversight and comprehension of or respect for quality.

These properties were built on the cheap because the Government relied on a model of outsourcing their obligations for social housing to a provider. Simply put, you get what you pay for. The Government did not provide sufficient funds to build better quality homes. They put the onus on the designer, the supplier, the builder and the housing provider to make ends meet. Then they claimed no responsibility, but it is their responsibility.

Poor government oversight is the main reason we need to have an inquiry into protection for builders and consumers in the building and construction sector. The only people who are saying an inquiry is unnecessary is basically the Government. Master Builders have stated that they were not consulted, that the timing is not correct for an inquiry. They have not stated looking at the industry is unnecessary. Master Builders CEO Matthew Pollock said that if the Labor Party believes further consumer protections are required, then that is a conversation industry is open to.

I acknowledge Annah Fromberg, investigative journalist with the ABC, who has worked with many affected consumers and building industry experts, to ensure that their stories were able to be told. In this debate, I will endeavour to provide many personal accounts from people across our state who would like to see changes. In some cases, they are pre-2016 and there is no avenue for compensation or remediation for that consumer. Many of these people would like to make sure that nobody else experiences the hardship and sheer trauma which they have had to endure.

The first term of reference which our inquiry would investigate is how to provide better protection for Tasmanians building their homes, including home builder mandatory warranty insurance.

Prior to 2008, domestic building contracts were protected by housing indemnity insurance mandated by legislation. This requirement was revoked due to a number of reasons, being the collapse of HIH Insurance, the main provider at the time. The value of the policy was watered down to be an insurance of last resort if the builder died or went bankrupt.

Noting all other states still have this insurance in place, so much so that they are constantly making improvements to their systems as their industry changes. Other states have been doing this for a long time and we have fallen so far behind.

While the value of the previous insurance did not provide any benefit to the consumer, there was a hidden benefit in that for builders to obtain insurance, they were required by the insurer, to have assets in the company and no claims against them before they could obtain another policy. The withdrawal of the insurance left a hole and this was satisfactory for a period where builders relied on excellent record for references for network which is no longer the case as the industry has changed dramatically in this period of time.

The main difference between a domestic and commercial project is that usually there is no professional intermediary between the owner and the builder. This can lead to problems on both sides, with owners having uneducated and unrealistic expectations. The metaphor, a 'paying for a Barina and expecting a Rolls Royce', comes to mind and builders either rushing and leaving too many unfinished, or poor-quality items, or being poorly trained in business, or using poorly qualified staff without the appropriate skills for the job.

The domestic contracts used by builders have been written by either the HIA or the MBA. They favour the builder to the extent that if there is a dispute the owner has to make all the relevant payments to the builder first, before the dispute is considered. That is the current status.

Home warranty insurance can provide cover to a homeowner and subsequent owners in cases where a contracted builder's work is not completed, or the builder is unable to fix defects. This could be due to the death, disappearance or insolvency of the builder, or in some other states because the builder has failed to respond to a rectification order issued by a court. For example, in Queensland, the Queensland Building and Construction Commission compensates the complainant if it agrees the work is shoddy and then pursues the builder to get its money back. This is a consumer-focused approach, which if we had an inquiry we might be able to investigate to a greater level. One of the benefits of having an inquiry would be to learn what works really well in other states and what does not work well in other states. Then we would have a pretty good idea about what we could do to improve our current system.

While the Victorian scheme is not as consumer friendly as Queensland, it does allow homeowners to access insurance if a builder fails to comply with a court order to repair sub-standard work. This is for a contract signed after 1 July 2015. In South Australia, the ACT and the Northern Territory home builders and renovators are required to take out home warranty insurance for contracts of $12 000 or more. The figures are: $20 000 in New South Wales and Western Australia; $16 000 in Victoria; and $3300 in Queensland. The premiums

are generally somewhere between 0.5 per cent and 1 per cent of the contract value and are added by the builder to the homeowner's costs.

Tasmania does not currently have a state-mandated warranty insurance scheme. I am aware that it was a Labor government that ended the scheme. I expect the minister to concentrate on this history of nearly two decades ago. The environment has changed. I doubt the people that are watching this debate will find that history helpful.

We know that building is not an exact science and there is no such thing as a perfect building. Throughout the building process and especially near the end of a project there are a number of different tradespeople carrying out various jobs that all correspond with each other. Even the most highly organised, quality-focused, award-winning builder will incur some minor building defects when completing and handing over a new home. This is not what we are discussing today. We are bringing major defects to the attention of the House.

The Australian glossary of building terms defines a building defect:

> As a fault, or deviation from the intended condition of a material assembly or component.

The second term of reference our notice of motion is calling for within this inquiry is processes and practices for the identification and rectification of defects. Other states have swung into gear in relation to defects and the rectification of defects.

I would like to read into the record accounts provided by constituents across the state of their own experience to provide insight into the real issues people are facing and why government oversight is absolutely imperative and desperately required. I have consent from each of these people to provide their stories. If I read every story into the record tonight, we would be here until midnight. There are just so many. I quote:

> I am yet to contact any officials outside of CBOS, but when this is all over I will be screaming from the rafters. I would like a meeting with the head of CBOS at some stage to discuss our case, as not one, single step in the process was done correctly. I can demonstrate errors for all of the planning, building and inspection steps. At this stage we are in a house that has an engineering report with shortcomings, (engineer error).
>
> That record was not included in the planning application when it should have been and, therefore, planning permission is invalid (building surveyor error). Yes, our house does not even have the right to exist at the moment. Council is aware of this.
>
> The builder and multiple sub-contractors did not read the plans and follow them (the builder admitted that no-one reads those) and the house does not meet current building regs. The building surveyor is very soft and it is a fight to get them to pressure the builder to rectify it. The surveyor is supposed to act on behalf of the owner but in reality, they act on behalf of their mates in the industry.

Also, multiple clauses in our Housing Industry Association (HIA) contract have been broken.

All trades employed on this house are certified professionals and are licensed and no fly-by-nights and all still in business.

As far as I am concerned both builder and surveyor should have their licences revoked. I have discussed this with the Consumer, Building and Occupation Services (CBOS). They have admitted that possibly it should be happening but unlikely as they have the right to a living wage/trade. So, our house is still technically in a building phase and has not been handed over and has multiple defects to $100 000 plus, therefore, we or the bank cannot sell it. To do this we would be in breach of our mortgage conditions. We have a mortgage on an unsellable asset.

This was a stress during COVID-19 because at one stage it was looking like one of us would lose our job. Our mortgage broker who is brilliant has said: 'The only thing you can do is to not tell the bank'. We are paying a higher interest rate because we got a construction loan not a standard home loan. We always intended to refinance. We are also in breach of insurance conditions as it is not built to the building regs and valid insurance is also a requirement of a mortgage.

We have no capacity to borrow money to fix issues ourselves as we do not have a valid asset to borrow against and we do not have $100 000 cash. CBOS and council have both privately admitted to me that privatising building surveyors was an error. The industry is basically policing itself. This has been going on for two years now.

This is another account:

I wanted to thank you in taking a very overdue step in holding builders and associated works accountable in this state. My mother, a 68-year-old pensioner purchased a brand-new home at the start of 2014. Ever since then she has been attempting to get building defects rectified in her property in St Leonards which include significant movement of the house which has led to damage to the external cladding; most plaster joints cracking, particularly around the window frames; a flood that is due to broken piping being installed in the kitchen and a defective garage wall, amongst other issues.

Mum has been fighting for rectifications as well as finding the cause of such issues since they became apparent. Engaging with the builder has proved unfruitful as well as the surveyors/engineers.

Former MLC, Ivan Dean, did visit and wanted to raise this in the Legislative Council, depending on the legal proceedings, however, retired before mum was able to get a conclusive understanding from her lawyer.

Mum commenced legal proceedings several years ago. However, this has stalled as the survey commissioned to produce an independent report

> provided by her lawyer has also ceased communicating with mum. This now leaves the potential of having to pay costs of the other parties as well as still not having her house rectified.
>
> Given our knowledge of the issues, it is not like she can sell the property in good faith and move on and even then, rectification works to prepare it for sale are completely cost prohibitive. The skirting has still not been fixed since the flood and every single room in the house will need replastering and painting.

This account displays the predicament faced with a defect in a new property with no accountability from a builder and the inspector who signed off the property. There is very limited recourse except for legal action which is another gamble for the consumer, especially because the person built their house prior to 2016. The current system is failing consumers and the industry must be investigated through a parliamentary inquiry.

Our third term of reference would investigate:

> The adequacy of current legislative and regulatory mechanisms to ensure building rectifications in instances where standards have been not met.

The main issue raised by many people is the inadequacy of CBOS to assist them and the very expensive and prohibitive, in a lot of cases, legal fees associated with the legal actions with regulatory mechanisms that have failed them. A solicitor acting on behalf of a client who found CBOS to be ineffective in rectifying defective works, stated in an email to me:

> Costs can easily exceed the amount you are attempting to recover. In one case we reviewed a claim for $63 000 which incurred $90 000 in legal fees.

In another case, a constituent provided their story and it reads:

> The build has so many defects that are literally frightening. One expert independent found 11 defects and more have been revealed since. When the builders wiped their hands, I contacted Master Builders. We got nowhere, despite months of meetings.
>
> I contacted CBOS and although infringements have been issued to the builder and surveyor, where does that leave the consumer? A slap on the hand and a fine only makes the builder angrier. It does not fix the defects.
>
> I hired a lawyer and I don't even want to divulge these expenses. My legal expenses, defective work expert reports are $200K plus driveway that was forgotten, now exceed $105 000. My lawyer continues to try but we have been circling and have done for nearly two years.
>
> It breaks my heart. I have begged for fairness and now I am facing the possibility of court, I can hardly afford. My defects aren't small. They are worryingly bad. I don't want to be left with a house I can't sell or enjoy five years from now.

> The protection for the builders, the lack of avenues for the consumer and the bitter sadness and frustration I have quietly felt, the experience is heartbreaking. I had intention to build so many more, yet I never want to go through with another building experience ever again.

Another letter addressed to the minister and copied to me was received by us yesterday. There was a group of seven people in the north who have contacted you. This is the only account from that group of seven. I do not want you to think all these are coming from those seven people because these are from right across Tasmania. It reads:

> I am writing to express my concerns with the governing bodies behind the building industry in Tasmania. I am one of the seven home owners in Tasmania who have had a terrible experience with a builder in Launceston. After several years of getting nowhere with the builder, the MBA and CBOS, I was forced to tell my story through the ABC investigations unit, through the wonderful Annah Fromberg, to hopefully make a change so others do not get destroyed like we have.
>
> We built our home in 2014 and like all home owners, there were problems along the way, but in the end our biggest problem was to do with our polished concrete floor and hearth.
>
> Basically, after moving in in December 2014, we started to notice that the sealer on the polished concrete floor, which is throughout the entire house, was starting to go brown and peel off in places. Moisture was also getting under the seal from mopping the floors and causing it to go a milky colour under the seal. The first time we lit our fire, the seal on the hearth also began to blister and peel off.
>
> For five years we battled with the builder to try and get him to repair the floor. He repaired the hearth and the contractor, who was used to repair the hearth and did not originally do the floors, explained to us that we had a real problem on our hands and that the entire floor would need to be ground back and resealed. The cost would be in excess of $40 000 and we would need to move out of the house for four to six weeks whilst it was repaired and cleaned up.
>
> The concreter also explained to us that the said builder owed a lot of money to contractors in Tasmania and that he would not do the job unless he was paid in full before he commenced the work.
>
> The builder avoided all emails and phone calls to come to an agreement to fix the floor and to this day, the floors are still not fixed and are continuing to deteriorate.
>
> In 2018 my wife received a knock on the door from another concrete flooring contractor. He explained to us that he was asked to apply the seal to our floor at the time of construction and he asked us if it had gone brown. We asked the concrete contractor to come in and take a look for himself.

He then explained to us that he had been diagnosed with cancer and that he knew what had happened to our floor and he wanted to clear his conscience. He then went on to explain that the builder had asked him to apply a timber parquetry seal to the floor to save money. The contractor did not agree to this order and walked off the job after explaining to him that it would be a disaster and 'come back to bite them'.

The next day the contractor was approached by a member of the building team, who no longer works for the company, and gave the contractor the remnants of the timber parquetry seal and explained that the builder got the painters to roll the seal onto the floor.

Since 2005, I have had many discussions with MBA, including discussions with and a formal complaint with CBOS. We wrote to the then minister, Guy Barnett. All the responses we have received from these people have been standard lip service and very unhelpful.

CBOS explained to me that there is no industry standard for polished concrete floors in Tasmania and that I would need to take my case to court in order to get an outcome. The MBA explained that they have no power over their members to force them to rectify their mistakes and that I would need to take the builder to court. I cannot understand why the builder is allowed to continue to build, given that there are seven home owners in Launceston who have claims against him, amounting to somewhere in the $500 000-$750 000 range, as well as a long list of contractors.

If someone goes to a motor vehicle dealership and spends $50 000 on a new vehicle, it comes with a warranty and if something goes wrong, the consumer takes the vehicle back and it is repaired. There is a support network for the consumer and the dealer. In Tasmania, if someone spends $800 000 building a new home, my experience and all the other home owners I have spoken to have proved that there is no support or warranty that comes with that home. The builder is allowed to get away with daylight robbery, doing dodgy, sub-standard work and the governing bodies in Tasmania have absolutely no power to force the builder to repair their sub-standard work.

At the moment, the response of the governing bodies is that the consumer needs to take the builder to court. In our case, we explored this option: the $100 000 it would require to have the case heard far outweighs the cost of the repairs, therefore, it is not a viable option. The builders in Tasmania know that this is the case and, therefore, they know they can continue to get away with it.

Mr Deputy Speaker, that is a really sad account of a person's experience here in Tasmania, to have tried to work with whatever regulatory bodies, whatever assistance they can be given for work to be rectified, and they have failed. Yes, they are before 2016 but if a person has to go through a court system in order to rectify $40 000, which could potentially cost them $100 000, we are not doing enough to protect our consumers. This is one of the reasons why we need to have a proper inquiry and have a look at how we can improve what we do here in Tasmania.

In a letter received from a person involved in civil construction, where working to standards and codes is closely monitored and regulated, the constituent reports that, in relation to his own issues with building a property, he has been dismayed by the differences in government oversight between the two industries. He states:

> Something I did not expect to see, though, is such a difference between my sector and home builders. They get away with so many violations of building codes, standards and general poor, illegal contract behaviour, which seems worse because they are dealing with people's homes. We saved for 10 years to start building our home and our builder has absolutely ruined the experience, with dodgy, stand-over tactics and things that would see me quickly unemployed as a commercial contractor.
>
> I am more of a 'have a chat' than 'lawyer-up guy,' so when we had issues, I contacted Master Builders with hopes of mediation, as a low-impact, unofficial step to sorting out our issues. I did not really want the hassle of CBOS, notr do I trust them to stand up to the builder, and he made threats to shut the site down and charge us variations if we did.
>
> I mentioned some issues. We had the MBA guy agree they were problems, even said 'it is not to code', as the builder insists, and agreed to call the builder. He then called me back and said: 'There are two sides to every story and at the end of the day we are paid by the builder, so I do not want to get involved. Call CBOS.'
>
> The builder also engaged the building surveyor, on our behalf, as is their standard practice. So, the very people meant to protect our rights as a consumer are influenced by an ongoing commercial relationship.

This is another aspect of our current situation here in Tasmania, which needs to be investigated - how inspectors who have a commercial interest with a building group can sign off on properties. That, in some cases, is providing a conflict of interest. This has been raised with me on many occasions by many surveyors who are pulling their hair out trying to get some change because it is a fundamental problem with our current system. An inquiry would be able to listen to evidence from these surveyors, people who are working within the industry, who can provide insight for the Government and for the people within that inquiry of the status quo and what is happening. We may then be able to have people who could provide us with good solutions on how to improve that system and create a robust industry.

The gentleman goes on to say:

> The system seems broke to me. It is not good enough that a builder can just say 'oh well, that's the standard these days', and get away with it. They even went as far as recently saying, if I don't like it, 'go ahead, contact the Government, we will just delay it even more'.

The constituent then goes on to say:

> We are floating two mortgages and recovering from COVID-19 downturn so it is not a realistic option for us. It is wrong that the builder is so confident the system is broken that they would use that to taunt us.
>
> It is also hard for me to swallow that the surveyor is only collating paperwork provided by the builder to cover each other and looking at the finished building on face value. What is the point? Maybe the council should be more involved.

In another case, from a northern constituent, very accurate information and email accounts between herself and CBOS provides a very good insight into the poor government oversight for constituents. I will share some of these accounts with the House, as we are running out of time, as a display, as a very good indicator of why an inquiry is required and why we cannot keep saying, 'There is nothing to see here. We will do a little bit of a review, and I'm gunna do this and I am gunna make some improvements'. It is bigger problem than that. It needs to have a proper parliamentary inquiry and have a look at what the issues are.

There are only three terms of reference. It does not have to be a long, drawn-out parliamentary inquiry that goes for weeks on end. They are succinct, we can listen to the information given to us by experts from people's real accounts then we can develop recommendations based on information, which the Government can then implement to improve the industry. That is the system, that is what we are meant to do with parliamentary inquiries. It does not have to be a hushed-up conspiracy, 'everyone is going to attack me' process. That is not what this is about. We are all lawmakers in this room and we have the opportunity to assist the industry and give our consumers more protection.

I will run through some of the summary of issues. This is another person who has also provided me with their name. I am not going to use it on the record today but I thank her for providing me with this as it has been a difficult process for her. It states:

> Has failed to complete significant amount of prescribed works to a satisfactory standard. Incomplete installation of roofing materials, including missing cladding and unsecured ridge-capping; incomplete installation of wall cladding and flashing, allowing access of birds and rats to roof and wall spaces; defective installation of eave linings; incomplete installation of windows and eave flashings, allowing vermin and weather; incomplete installation of external doors to laundry, leaving laundry open to weather; incomplete fit-out of skirting boards and architraves; incomplete plaster and painting; incomplete fit-out of bathroom and en-suite items; incomplete fit-out of kitchenette.

This just goes on and on and on with all the issues:

> Incomplete electrical installation by way of hot-water service, warm air conduction system, general purpose outlets in laundry, meter box replacement, fire detection device incorrectly located.

> In addition to failing to complete prescribed work to a satisfactory standard, failed to respond to building notices issued by the building surveyor, charged the consumer in advance of work being completed and contrary to the agreed progress payments within the contract. Charged the consumer variations after work was completed with no consultation prior to the work commencing or indications of the required variations, or costs associated with them.
>
> Failed to attend the property to ensure appropriate quality, instead leaving a second-year apprentice to work alone for a significant period. Failed to ensure that the site was at all times safe and hygienic. Failed to adhere to time terms of the contact and failed to provide me with notification of the need to extend.
>
> When I initiated a dispute, the builder failed to adhere to the terms of the mediation agreement and continued to complete work at a non-compliant standard.

When the constituent engaged again with CBOS, CBOS Compliance and Dispute Resolution in relation to the list of issues and opportunities for rectification or compensation they found that CBOS could not do anything to assist. This is in an email from CBOS to the constituent. It says:

> There is a provision under section 11(1) of the Building Act 2016 to address performance of defects in building work. Defective building work is defined by section 207 of the Building Act 2016 as being: 'building work that fails to comply with the Building Act 2016 or the National Construction Codes as was in effect at the time of the work being performed and is discovered during inspection of the work during construction or at any time afterwards'.
>
> If you can provide defect reports from your building surveyor that demonstrate elements of the work that are consistent with being defective for the purpose of the Building Act 2016 the Director of Building Control may contemplate compliance action.

That is good.

> Please note, should any compliance action be taken against the builder, this would not cause rectification of the defective work nor provision of a remedy for any financial loss suffered by you.

That is a response from CBOS. They literally cannot assist the consumer with rectification work according to an email from CBOS. This was after they had received really comprehensive information.

It is not that CBOS is not able to do their job properly. CBOS is doing a great job. They are under the pump. I am receiving so much information from people who are dealing with CBOS regularly. They are seriously under the pump and they are trying to solve problems all the time. What we need to examine for an inquiry is whether they have the regulatory requirements to be able to assist people with rectifications; to be able to assist people with solving these problems so they are not having to go through lengthy legal proceedings because

people cannot afford that. They have just built a home most of the time or purchased a new home. They do not have $100 000 spare cash to be able to take a builder or a surveyor or an engineer or a designer to court especially in a court case that they most probably will not win. This is a problem that we have and that is why we need to have an inquiry.

I could read the hundreds of accounts provided by members of the Tasmanian community and we will keep going on this because we believe that it is a significant problem and I believe that with proper government oversight we could really fix this for the industry. Industry is so sick of this.

I had a conversation with a builder the other day after the ABC had done a report - and there are more reports coming - on a property that he had been involved in building. He was a bit agitated that they had done a report on the house that he built but, at the same time, he said:

> I do support your inquiry though, Jen, because there are so many problems. It is not just this and we really need to have an inquiry. We've got shortages with supplies; we have builders who are in a position where they are having to quote two years out.

There are many issues coming through and this is an opportunity for us as members in this House to grab the bull by the horns and have a really open, transparent inquiry where we can have experts come in, provide their information to us and tell us: how do supply shortages affect them; what is going to happen with the four components of categories at the moment that the prices have gone up 70 per cent? How are builders going to carryover costs from one job to the other? What does home builder warranty insurance look like for Tasmania? Would it be effective here? Which one does have the best models?

There is so much we can do. I do not think this is the time to have your head in the sand. I implore the Government to seriously agree to having an inquiry. They are sensible terms of reference. There is nothing to be scared of. It is time for us to have a look at how we can best help people.

Time expired.

[4.14 p.m.]

Ms ARCHER (Clark - Attorney-General) - Mr Speaker, I can confirm to the House that my head is not buried in the sand. I acknowledge that in any industry, not least of all the building industry, there are always going to be those who flout the law who need to be dealt with within the confines of the law and, as Attorney-General and minister in this area of consumer affairs under which Consumer Building and Occupational Services falls, I am constantly reviewing the law and providing for law reform.

The building ministers' forum or meeting, over a number of years, has looked at this and Tasmania has a very, very proud track record which I will run through in a moment in relation to addressing and providing greater consumer protections. I find it galling of the member for Lyons to come in here and start putting words into my mouth that I am burying my head in the sand, we have done nothing, we are doing nothing, we are not prepared to do anything and that the magic fix to all of this is a parliamentary inquiry.

It is not the magic fix and I will run through what I have already committed to doing, what I have committed to various constituents including the group of seven to which you have referred in your contribution, Ms Butler, through the Speaker.

It is not a case where I have buried my head in the sand. In fact, quite the contrary because I do acknowledge that there are building defect issues. As I said in question time today, we have a situation where I have just put through the second tranche of reforms for the Tasmanian Civil Land Administrative Tribunal (TASCAT). I have said repeatedly and publicly, and in this House, that that is an appropriate mechanism for these types of building defect matters so that matters can be dealt with swiftly and so that we take matters away from the court and people having to go to court to get things adjudicated.

I have gone off my notes momentarily because I wanted to address those few issues upfront and now I will go into a bit more detail. Can I also say that the hard-working staff at CBOS and indeed the executive director do an incredible job administering everything that they do across a wide range of areas but not least of all this area. It is a difficult area for reasons identified in some of the accounts that Ms Butler has referred to.

As I said, and as the industry has confirmed itself, I am sure Ms Butler has seen media releases from the Property Council here in Tasmania and also the Master Builders here in Tasmania as well acknowledging that there will always be a few people, operators or a few businesses that do not operate as they are required to under a contract or under the law. We must maintain people to the highest standards.

I fully endorse that principle - the Government fully endorses that. This motion - let's not be fuzzy around the edges here - is calling on a parliamentary inquiry which will not do anything. It is just going to cause delays.

Ms Butler, herself, has gone through accounts, and all a parliamentary inquiry will do will again provide that sort of information which we know is out there, which we know people are going to CBOS and I would encourage all members of this place - and I am sure that most do - refer people to CBOS when they do have issues.

What we need to do now is action and, as I have suggested, the appropriate action is through looking at providing TASCAT with the jurisdiction to resolve these disputes. The other issue I will address throughout my contribution is the issue of home warranty insurance as well but I will get to that in a minute.

The Government, for reasons I have just outlined briefly, will not be supporting the motion because, as I said, it is going to cause massive delay. It is not going to tell us anything we do not already know and I do not want to characterise or besmirch the industry as Ms Butler has because the vast majority comply. Listening to that contribution, you would think that we have shonky builders operating on every -

Ms BUTLER - Point of order, Mr Speaker. The member cannot cast aspersions upon another member. I ask that the member withdraw those comments, please.

Ms ARCHER - I will make it clear; I said, 'anyone listening to this would think'. I do not see that there is a wrong. Anyone listening to all of that would think that the vast majority of building sites have shonky builders working on them; they do not.

Ms BUTLER - That is not what I stated. Mr Speaker, the minister is casting aspersions upon me, as another member. I ask you to ask her to withdraw that.

Mr SPEAKER - If personal offence is taken, as part of this Chamber, we do remove the comments.

Ms ARCHER - I do not know what part of that could be taken personally, but whatever, I will delete that sentence and I will make a statement: the vast majority of builders are not shonky. There are a few in every industry, not just builders, who take advantage. I come from the legal profession. There are shonky lawyers out there as well. Mr Speaker, I know you have a background in mechanics. I am sure there are shonky mechanics as well, but we do not need to approach that by a parliamentary inquiry.

As members should be well aware by now, because I have stated this already, our Government has significantly reformed the building regulatory framework in Tasmania in recent years. Our clear focus has been towards streamlining industry regulation to strengthen protection for consumers in Tasmania.

I will stress this, because it has been recognised nationally, that they are nation-leading reforms. They were as a result of our Government's comprehensive review of the building regulatory framework announced in 2014, which introduced a risk-based approach to building approvals to ensure that the level of regulatory oversight of the building work matches the level of risk to public health and safety.

Importantly, the current Tasmanian building regulatory framework provides a range of protections for the benefit of consumers undertaking residential building work. A key aspect needs to be highlighted as I understand it to be the preface behind Ms Butler's motion. Her concerns largely relate to building disputes. I have identified in my own mind those examples as pre-dating our comprehensive reforms and therefore are not afforded the consumer protections that we have already introduced.

Ms Butler - Not all of them, but a lot of them were post, yes.

Ms ARCHER - I said, 'largely relate'. They do 'largely relate'. I know from speaking with CBOS as well that those sorts of situations that pre-date our regulatory reform are really unfortunate situations. We cannot deal with those because the previous act is now repealed.

Ms Butler - But a lot of my cases are now.

Ms ARCHER - It is critically important to understand that there are now a range of protections to ensure consumers are protected and that builders are accountable for fixing defects and unsatisfactory workmanship with our Government having acted to strengthen the building regulatory framework, with amendments to the building legislative framework in recent years. I want to run through how they operate.

Ms Butler - Why so many problems then?

Mr SPEAKER - Order, Ms Butler, order. You have had your chance.

Ms ARCHER - Ms Butler, I did listen - otherwise just leave the Chamber, if you do not want to hear it.

I am aware of, and do understand the concerns raised by several constituents which, as I said, in some cases, pre-date our reform. I have met with some of them recently to directly discuss their matters further and to see what options may be available for a way forward with their disputes. While many of the issues raised relate to circumstances and building work carried out before our reforms, I have asked my department to look at any potential improvements that could be made to further strengthen the building framework moving forward.

I do not want to say too much to identify things but if it was, for example, dealing with one particular builder, then that is one particular builder, that is not 20 builders. What I am saying is, I do not believe we have this massive extent of a problem that Ms Butler is depicting today. I acknowledge that there are always going to be building defects. Ms Butler said herself in her contribution words to the effect that 'no building is perfect'.

We can all agree that no building is perfect. Certainly, within our current building regulatory framework, if we can deal with a particular builder who is not doing the right thing with an example post our reform, then we might be getting somewhere in relation to fixing the problem that relates to any particular builder who is breaching the contract and therefore the law.

The work is already underway by way of my request to my department. As I have said, I am already considering whether TASCAT could handle disputes around these issues into the future. I believe the answer will be yes, given other jurisdictions do utilise their civil and administrative tribunals to make it simpler, faster and cheaper to resolve such disputes.

In other jurisdictions' civil and administrative tribunals, the roles they play in building matters vary depending on the jurisdiction but relate broadly to licensing matters such as conduct and work standards, for example, administrative law action and contractual disputes - so civil matters. For example, in Victoria, VCAT can consider building disputes and review decisions of the building regulator. The ACT seems to have a similar system with ACAT. New South Wales has a slightly different system with more direct powers to the regulator but similarly, matters can ultimately be considered by NCAT. A common feature of these systems is the need to exhaust other avenues first, either with the regulator or through mediation before accessing the tribunal.

Queensland and Western Australia have somewhat different systems, with more expansive powers for regulators relating to work standards, which is primarily a role for building surveyors in Tasmania and also the jurisdictions I have mentioned. In these jurisdictions, all decisions by the regulators are able to be reviewed by their tribunals.

My department is already looking at these matters. A parliamentary inquiry will only delay that process. The work is already being undertaken. For these reasons, our Government will not be supporting the proposal proposed by Ms Butler.

There is a range of protections within our building regulatory framework to ensure consumers are protected and that builders are accountable for fixing defects and unsatisfactory workmanship. The vast majority will do that.

I know from speaking to builders that some of them would be horrified if there are defects identified and they remedy them quickly. It is important for the House to note that there are good building practitioners out there who take pride in their work. Defects can be unintentional and I would say would be in the vast majority of cases.

The reforms we have undertaken have been as a result of what we refer to as the Building Confidence Report, the Shergold Weir Report. Our response was a modern and responsive approach to building which was as a result of that national independent review. The full title of that report was 'Building confidence: improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia', also known as the Building Confidence or Shergold Weir Report, which was presented at the national Building Ministers' forum in April 2018. The final report and recommendations were made by independent experts, Professor Peter Shergold and Ms Bronwyn Weir, who looked in to the defectiveness of the building construction industry compliance and enforcement systems across Australia, which confirmed that Tasmania is leading Australia in building reform and is in line with the recommended national best-practice model.

As the Minister for Workplace Safety and Consumer Affairs, I am very proud of the enormous amount of work that has been undertaken by our Government to ensure that the current Tasmanian building regulatory framework provides a range of protections for the benefit of consumers undertaking residential building work.

As I have said, the Tasmanians I have met with have told me their building stories, discussed their concerns with me, and it is incidents that pre-date our reforms. I feel for those constituents. It is incidents like these that are precisely the reason why our Government announced that revisions of the Tasmanian building regulatory framework were required to introduce protections for consumers. This was done through numerous mechanisms across three different acts to ensure building service providers are held accountable for the work they do and that consumers are protected against faulty or defective work.

I take this opportunity to step out the benefits of the reforms for consumers and compliance within the industry. Despite the motion today, strong consumer protections and regulatory parameters have been provided for as a result of our reforms. It was our Government that acted to deal with these situations, after relative inaction for 16 years under the previous government, to provide Tasmanians with the consumer protections they deserve and need.

Prior to 1 January 2017, there was no requirement for building work contracts to be formalised in writing, which was frequently problematic in resolving or conciliating disputes about building work contracts. It is important to note that this is a large aspect of the concerns raised with me by Tasmanians who commenced building work prior to our reforms, as it significantly limits the recourse options available to those home owners.

After the implementation of the revised Tasmanian building legislative framework on 1 January 2017, the Building Act 2016 provided the regulatory framework for the performance of building work. The Occupational Licensing Act 2005 was amended to include licensing and conduct investigation of building services providers. That includes builders, building surveyors, designers, architects, engineers and council permit authorities. The Residential Building Work Contracts and Dispute Resolution Act 2016 included significantly expanded consumer protection mechanisms.

The objectives of the Building Act and building reforms are comprehensive and provide clear guidance to practitioners and the community on meeting expected minimum standards and ensuring that work does not negatively affect the health and safety of persons.

The Building Act also allocated responsibilities and duties of all participants in the building process, including owners or developers, building and plumbing practitioners and local government. In addition, the Residential Building and Work Contracts and Dispute Resolution Act 2016 was introduced to promote stronger regulation of residential building contracts and expected standards of work, and reinforced consumer confidence by providing significantly expanded and stronger domestic building protection to avoid costly disputes.

The Occupational Licensing Act 2005 was also amended to include licensing and conduct investigation of building services providers, namely builders, building surveyors, designers, architects, engineers and council permit authorities, and made changes to the accreditation of building practitioners and other types of licensed persons to remove duplication and improve efficiency.

These major reforms followed over three years of consultation with local government, industry, individual practitioners and consumers, and received broad support from stakeholders including the Master Builders Association of Tasmania, Housing Industry Association and the Australian Institute of Building Surveyors.

Importantly, these stakeholders remain supportive of the regulatory reforms as we have undertaken considerable and consistent consultation with industry to deliver a significant program of training and information to ensure that council staff, building surveyors and other building practitioners are aware of the new processes and requirements

Our Government acknowledges that consumers may, from time to time, find themselves in situations with their builders or contractors where they need assistance to work out a dispute, performance of a contract or rectification of work undertaken. As I have said, I acknowledge that those problems will always exist. This is why the reforms place greater emphasis on the correction of defective work and responsibility for meeting the minimum standards by responsible builders or plumbers. It gives building surveyors and permit authorities enhanced compliance powers to direct builders or plumbers to fix non-compliant work and strengthen the powers of these regulators to give directions.

It also places greater responsibilities on the relevant practitioners engaged by the owner to fix defects at an early stage before they become a significant issue of dispute. The Director of Building Control is also provided powers in relation to ensuring the standards of work meet the minimum standards of the National Construction Code, greater oversight of the statutory functions of building surveyors and permit authorities. The reforms, allied with more efficient and timely disciplinary processes in an amended Occupational Licencing Act 2005, serve to act as powerful disincentives to that extremely small number of practitioners who persist in doing the wrong thing.

The key difference between the regulatory framework prior to the enactment of the Building Act is the new Consumer Protections and Dispute Resolution mechanisms in the Residential Building Work Contracts and Dispute Resolution Act, which were limited under the previous framework.

Our Government recognises that there were limited protections for consumers in place with one of the only resolution and recourse options involving expensive and lengthy legal proceedings. As I have said, I am currently considering whether TASCAT could handle disputes around these issues in the future to make it simpler, faster and cheaper to resolve such disputes. I imagine that this is something that we can achieve, particularly given other jurisdictions have done that.

In addition, there was significantly limited ability for Consumer Building and Occupational Services as the regulator to assist consumers with resolving disputes with their builders or plumbers. This is precisely why we have progressed the much-needed building reforms.

As I have said, the reforms cannot be applied retrospectively. This means that CBOS and the director as the regulator are extremely limited in the ability to investigate complaints against builders relating to the performance of work that occurred prior to the implementation of the revised regulatory framework.

However, the previous deficiencies in the framework and lack of protections which were arguably the result of the members opposite during their time in government - I have to point that out - have been rectified and improved with our nation-leading reforms. We know that under the previous framework some owners were left without homes they could occupy for long periods of time or builders were presented with the prospect of losing their livelihood should they not be able to cover the cost of litigation.

We know that this was the reality for owners and builders which is why, again, we put the protections in place to stop this from happening going forward. I have confidence that our reforms addressed the types of issues some Tasmanians have faced in the past due to defective building work. As I have stated I have listened to the stories of people, I have met with them and, as a result, I have responded and advised that the department is currently progressing those further improvements that could strengthen and build on our regulatory framework. This will include considering any further improvements to the regulation of building work, the regulation of licensed building services providers, the performance of statutory functions and protections available to consumers when undertaking building work.

Again, I am pleased to say that this work is already underway and indeed has been an integral part of our building reforms as well as the implementation for building confidence report recommendations. We will continue to ensure that our regulatory framework remains best practice and provides the strongest possible protections for consumers.

I also want to address the issue that is raised in Ms Butler's motion in relation to home warranty insurance. It is important to recognise, as I did earlier today, that it was the former Labor government that removed the requirement for housing indemnity insurance. The Housing Indemnity Act 1992 provided for mandatory warranty insurance to ensure that consumers could claim on the policy for up to six years after completion of the building work. This insurance scheme sought to protect the home owner with policies purchased from commercial insurers by the building contractor prior to the commencement of building works. Claims by owners were made directly on their insurance policy and so the owner did not have to take any direct action against their builder to fix defects. However, under this system rectification costs and insurance premiums escalated.

A number of attempts to reform the warranty insurance scheme were attempted, including reforms in 2003 to limit the insurance to cover the six years of the first occupancy of the residence and was a last resort policy, meaning an owner could only make a claim if there were defects and the builder had died, disappeared or was insolvent. This was also only once all other dispute resolution processes had been exhausted. As a result, consumers were left with little choice but to seek redress through the courts, as I have explained, much the same system.

Despite the reforms, the widespread criticism by builders at the high cost of the system and owners criticised the coverage and protections afforded to them under the scheme. Accordingly, the home warranty insurance scheme as provided for under the Housing Indemnity Act 1992 was abolished in Tasmania on 1 July 2008 with the support of a majority of Tasmania's building industry associations.

However, it was our Government that recognised this significant lack of protection for residential building consumers, which is why we commenced the major review of the Tasmanian building regulatory framework between 2014 and 2017. Perhaps more importantly, feedback from industry and the community as part of that substantial review and reform process, demonstrated very little support for the reintroduction of home warranty insurance.

In its submission to the review in 2014, the Housing Industry Association stated that it was unaware of any market failure that would necessitate a return to compulsory insurance. This is why our Government chose to implement our new consumer focus building laws. For the first time, our framework contained modern and contemporary alternative dispute resolution methods, intended to help resolve and reduce the number of disputes that previously would have ended up in court.

These protections built upon the period where a successful informal dispute mediation process was introduced by the Director of Building Control with three-quarters of all complaints regarding workmanship or building contractual issues, successfully resolved.

Through the reforms, we inserted mandatory statutory warranties that are implied into all new residential building contracts, which provide protections for home owners as to the fitness and quality of the building work, including the suitability of materials and compliance with legal requirements.

Under the Residential Building Works Contracts and Dispute Resolution Act, all building practitioners must adhere to these statutory warranties which apply for six years from practical completion and are transferred to new owners if the property is sold.

A guide to standards and tolerances has also been approved by the Director of Building Control. It outlines the acceptable standards of workmanship in residential building work and is used to assist in resolving residential building disputes.

There are also stronger regulatory compliance provisions to ensure that residential building work is carried out with reasonable care and skill. There are strict obligations for builders to rectify any defects as soon as practicable. These changes, together with the licensing of builders and plumbers, provides a system that has the necessary checks and balances of the rights and owners and builders. To resolve those disputes, many jurisdictions have moved to their civil and administrative tribunals.

While it is considered that the protections in place are strong and appropriate, I am aware - and Ms Butler referred to this - that the Master Builders Association has recently called for a review regarding the reinstatement of a mandatory home warranty insurance scheme to provide insurance coverage for owners where builders die, become insolvent or disappear. Ms Butler is giving the impression that this insurance would be a coverall, but it is restricted to those situations where the builders die, become insolvent or disappear. They are very limited circumstances and home warranty insurance is known as last resort.

Ms Butler - No, we look at what they are doing in other states, minister.

Mr SPEAKER - Order.

Ms ARCHER - It is known as last resort insurance. It is only in Queensland where they have a system of first resort insurance, but it is important to note that this insurance is more costly than insurance in other states. Ms Butler is suggesting that everyone has this insurance. It is very expensive. It is not as simple as Ms Butler is trying to suggest -

Ms Butler - I have done my research on this.

Mr SPEAKER - Order.

Ms ARCHER - Nor would it be the silver bullet. That product only applies, as I said, in very narrow circumstances. It was removed in Tasmania by the former Labor government due to a market failure. Let us not kid ourselves. I would suggest that this is not the silver bullet in this situation. There could be a range of options. As I said, the department is currently looking at how to make further improvements on the building regulatory framework - referring matters through to TASCAT instead of courts, which can be a more costly exercise of course.

I wish to touch base on the work undertaken by CBOS, which has been and continues to be an integral component of the reforms. One of the key functions of CBOS is to assist consumers to resolve disputes with builders by providing assistance for consumers to understand their rights and how to resolve their dispute without having to resort to legal action.

I understand CBOS receives between 300 to 500 inquiries and complaints each year, regarding building work. The sorts of issues relate to defective or poor workmanship or contractual issues, including variation and demands for payment. I am pleased to advise the House that overwhelmingly these inquiries and complaints are resolved without the need for compliance action by the regulator.

When complaints are received, with sufficient particulars to cause a reasonable suspicion that an offence, or misconduct has been committed, resources are allocated from the CBOS Compliance and Dispute Resolution Unit to conduct an investigation. These investigations are carried out in a way to ensure that principles of procedural fairness and natural justice are satisfied and the outcomes of the investigation are robust to challenge, or appeal. Monetary penalties can be imposed by way of infringement notice or court fines if offences are prosecuted. Over the last three years I am advised that $70 000 of monetary fines have been issued to building service providers by CBOS and the courts.

I reiterate the consumer protection is of paramount importance to our Government, which is why we progressed the regulatory reforms to which I have referred in detail in my

contribution. For consumers who commenced building after 1 January 2017 who have any problems with their building work or with those engaged to conduct or carry out the work, there are strong protections and remedies available through CBOS. For any consumers who have a dispute with a builder that pre-dates these reforms they should still contact CBOS for advice and assistance on what options may be available to them.

Ms Butler - I am going to be sending this account to all the people who have given me their information, minister. The system is failing them.

Mr SPEAKER - Order, order.

Ms ARCHER - Unfortunately, we know that it is likely to involve legal proceedings, as the reforms are unable to be applied retrospectively and cannot assist those who have disputes regarding older building work. However, the regulator may still be able to provide consumers with advice in this regard, including whether any industry association dispute resolution process may be applicable. As such, any consumer who is in this situation is encouraged to still contact CBOS if they are in a dispute.

In closing, as I have stated, further work to examine our framework is well underway. A parliamentary inquiry will not achieve the outcomes that we are already seeking to achieve, quickly. I look forward to receiving advice on any further improvements that may be made to continue to strengthen our consumer protections and to support a robust building industry and ensure the quality and safety of Tasmanian buildings and homes. For all of these reasons, a parliamentary inquiry into Tasmania's building industry, its regulations and current framework is not necessary or appropriate.

I end with a quote from the Master Builders:

> The vast majority of builders in Tasmania take pride in their work and do the right thing by their clients. Last year these builders delivered more than 3000 new homes and will this year help more Tasmanian families fulfil their dreams of homeownership than any year on record.

That was a direct quote from Matthew Pollock, the Chief Executive Officer of the Master Builders in Tasmania. Rebecca Alston from the Property Council said in her media release:

> We do not agree that a parliamentary inquiry will achieve much to this effect, particularly given the lack of consultation and engagement with industry to date and what would be a significant undertaking'. Ms Ellston said:
>
> A parliamentary inquiry into the building and construction sector could undermine investor confidence and restrict the volume of new dwellings brought to market at a time when demand for housing in Tasmania is set to sky rocket.

I also quote from her where she states:

> We acknowledge that there are, at times, issues to be addressed to deal with the minority of people who don't do the right thing and should not be in our

> industry. We do not support people cutting corners or not complying with the law, and those doing the wrong thing should be held accountable.
>
> Our members will continue to work with government to ensure our already comprehensive and stringent building regulations and standards are as strong and streamlined as possible for a consistent compliance and enforcement.

I could not agree more than with those industry representatives. The vast majority of builders and other practitioners within the industry do the right thing. They do comply with our building regulatory framework. A parliamentary inquiry is not a silver bullet to streamlining having these building defects resolved by way of either mediation or resolution. I am proposing to take it away from the courts to the Tasmanian Civil and Administrative Tribunal rather than a parliamentary inquiry. For that reason, the Government will not be supporting this motion.

[4.51 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, I am disappointed to hear from the minister that the Government will not be supporting this inquiry. It is a mistake to talk about the vast majority and the small number. We do not generally write laws for the vast majority. A lot of the laws - criminal laws, a whole manner of laws - are actually to deal with the small minority. The problem is that the small minority can have a huge and very negative impact on people's lives.

I do not think any of us would dispute the personal stories and testimonies that Ms Butler, the member for Lyons, read out earlier. I have heard many such stories. As member for Franklin, I am exposed to people who have observed or been victims of slapdash shoddy building, and it has an enduring impact, not only on the people's lives but on the building stock. Houses should be built to last for at least 50 years. They are generally built to last for 10 to 20 years at the most from the quality of the workmanship that too often happens.

What we see in Tasmania is a massively overheated building market. It has been very welcome to have the investment in the building and construction industry, which has clearly been needed in COVID-19 but what we have ended up with is, many people would agree, a lack of sufficient planning from the Government. We have a hot market causing supply hold-ups for all sorts of materials and also causing a funnel-neck for builders and construction of subdivisions, as well as home builds. This means work gets pushed to be done more quickly than would provide an optimum-quality outcome in the build, in some cases.

That small number of cases has massively expanded because of the situation we are in. No one can deny that we are in a building boom. There is no argument that we need houses. It is a question about what the Government is doing to moderate the rapidity of this growth and to spread it out over a longer time so that we do not have a problem with supplies in construction material and we do not have the rush to finish jobs and move on to the next one, which inevitably leads to problems in construction and oversight.

I will pull back for a moment. The Greens support this call for an inquiry. It is important to have more eyes on this industry. It is very important to have eyes on consumer protection.

Fundamentally, the way the Greens come at this conversation is looking at houses and building stock not as assets, but as homes first and foremost, both from the purpose of why

they are being built and the people who are living in them. We want to have homes that are built for people, that provide security of tenure, that provide safe conditions, that are liveable, beautiful, healthy and affordable.

We just have to look at the situation in Tasmania. As well as an overheated building and construction market, what we have - and the CoreLogic quarterly rental review was just put out today - is 70 per cent of residences in Tasmania are owner-occupied and approximately 30 per cent are rentals. What we have in Tasmania, from today's figures, is a 12.8 per cent increase in the median rent price again in the last year.

The 10-year change in rental rate in Tasmania has gone off the scale. There is nothing like Hobart. Looking at capital cities, no other states' capital city comes even half-way to where Tasmania is. In the last 10 years, median rental prices have gone up by 53 per cent in Hobart for houses and by 50 per cent for units. That is a staggering and hugely damaging change for people who are living in rental properties in Tasmania.

In any conversation where we are talking about building and construction and consumers, we must talk about homes and put this in the context of where people live. We must also be looking at government instruments and policy that is maintaining there must be security, affordability, liveability and safety.

We have an obvious value in having an inquiry to look into the consumer and building sector protections. The minister has made no argument that has persuaded me that we do not have a really important opportunity to look at better protections through things like a home builder mandatory warranty insurance for people who have houses built.

There is no doubt that there is a range of building quality across the state and, as the minister has said, most of it is very good but we do no damage to having eyes on an industry which is rapidly changing. There is no doubt that the sorts of certification and standards being required of buildings in 2021 are much different from what were required 10, 20 or 50 years ago. We have to be confident, with the climate changing, that we have houses that are purpose-built for the future. We do not have endless resources to keep building new building stock. We have to make sure that the houses we build today are here in 50 years' time and are purpose-built for the winds, the extreme events, the extreme rainfall and the very hot conditions that Tasmanians will be exposed to in the future.

We are supportive of this motion but we have an amendment to move. I move -

> That paragraph (2) of the motion be amended by omitting 'the member for Braddon, Dr Broad MP', and substituting 'the member for Franklin, Dr Woodruff MP'.

It is bizarre in the extreme that the Labor Party would put up a motion for a committee and not have a member of the Greens on that committee. The Greens have longstanding positive contributions to law reform in this place to protect the right of all Tasmanians to homes that are secure, affordable, safe and liveable. We have had a minister for housing who has made enormous changes. As a party we have a right to be on a committee and ask these questions. We have form in doing the right things for Tasmania during COVID-19. We introduced really important reforms that the Government took up. We expect to make a contribution in that space. I commend our amendment to the House.

Mr SPEAKER - The question is that the amendment be agreed to.

The House divided -

AYES 3	NOES 21
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Mr SPEAKER - The question is that the motion be agreed to.

The House divided -

AYES 12	NOES 12
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay	Mr Ellis (Teller)
Ms Haddad	Mr Ferguson
Ms Johnston	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff
Mr Winter	Mr Street
Dr Woodruff (Teller)	Mr Tucker

Mr SPEAKER - The result of the division being Ayes 12, Noes 12, therefore in accordance with the Standing Order 167, I cast my vote with the Noes.

Motion negatived.

DEFAMATION AMENDMENT BILL 2021 (No. 34)

Bill returned from the Legislative Council without amendment.

CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2021 (No. 28)

Bill returned from the Legislative Council with amendment.

Mr FERGUSON (Bass - Leader of the House) - Mr Speaker, I move -

That the amendments be made an order of the day at a later hour.

Motion agreed to.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

In Committee

Continued from 26 October 2021 (page 139).

[5.09 p.m.]

New clause C to follow clause 75

Ms JOHNSTON - Mr Chair, I move to insert a new clause C to follow clause 75 -

A. New section 56B inserted

After section 56A of the Principal Act, the following section is inserted:

56B. Training for responsible service of gaming

(1) The Commission may -

(a) approve a course of training, for persons who are to exercise or perform the functions of special employees, as to how a special employee is to responsibly provide gaming services; and

(b) approve one or more educational or training institutions to deliver a course of training approved under paragraph (a).

(2) A course of training may only be approved under subsection (1)(a) if the course includes training that will assist special employees to recognise and assist persons at risk of harm from gambling.

This is a really important insertion into the bill. It will enhance the bill. It will certainly enhance protections in the bill around consumer protection and also provide some assistance to those who work in the industry. It is responding to the community sector calls to strengthen training requirements. I note again, as I did last night, that Anglicare made a submission about this in their response to the draft exposure bill.

Importantly, from that section 56B(2), it would ask that training is provided on how to recognise and assist persons at risk of harm from gambling. It is really important that it is specified in the bill. We know that whilst there might be training provided on how to operate the equipment and the like, it is really important that employees in this sector understand and can recognise where there are problem gamblers in their venues and, most importantly, how to assist those people. If we are genuine about harm minimisation, then we want to make sure that all controls and measures are in place. On the ground in venues it is the employees who are the eyes and ears. They can see when there might be problems occurring.

In my contribution to the second reading speech I spoke about the horrendous situation where members of the public are known to sit at gaming machines for hours and hours on end. They have been known to soil themselves because they do not want to leave a machine because they believe it might be lucky and the next spin will be the lucky one. I know of members of the public who wear adult sanitary items so that they can stay there. It is quite disturbing.

The eyes and ears of workers in this industry are really important in calling out this. I note that Labor has suggested that we have facial recognition technology which would assist in that. If we can recognise when people might have a problem with gambling, then someone can have a conversation with them and suggest that maybe they would like to consider self-exclusion.

Dr Woodruff - Yes, you cannot leave it all to the machines.

Ms JOHNSTON - Exactly, you cannot leave it all to the machine. The machine is not going to necessarily exclude them. It is important that there are conversations had. This provision would provide the training so that staff could, in a safe and qualified manner, have those conversations, recognise and assist, most importantly, people at risk of harm.

At the moment, I fully appreciate - and I am sure Mr Winter has heard from those working in industry - how difficult it is working on the floor of a poker machine venue to have those conversations with people. Often we get people who work in these venues who have not been trained in this particular area. They might be new and inexperienced. Surely we would like to see provisions put in the bill where they get the suitable support and training to make their job easier, make them more comfortable having these conversations and engaging with people who are obviously and seriously addicted to very dangerous machines. It is a really

sensible approach. I thank Anglicare for their contribution and submission. It is an important way we can protect workers in the industry and, most importantly, protect consumers as well so I commend the amendment to the House.

Mr FERGUSON - Thank you, Ms Johnston, for your amendment and your contribution. The Government does not support the amendment. The commission already has the power to approve responsible conduct of gaming and training courses. I am not sure if you are aware of that, but it does.

Further, a function of the commission is to foster responsible gambling and minimise the harm from problem gambling. That sounds like just what you are looking for. In fact, it is a condition of every special employee licence that the individual must undertake a responsible conduct of gambling course which is a course that is approved by the Tasmanian Liquor and Gaming Commission. That is a condition that is attached to the licence of every special employee. They need to fulfil that within 90 days of obtaining their licence.

By the way, yesterday in this House in Committee, we discussed the sequencing of those. The Government did not agree to an amendment that tried to switch around its order. I made the point that requiring the training to be undertaken prior to gaining a special employee licence is pre-emptive of the licensing process and would potentially impose an unnecessary cost and loss of time on someone who ultimately may not even be successful in obtaining a licence or employment.

The course is known as Responsible Conduct of Gambling (RCG). It is recognised that it is a course of national competency with a code of SITHGAM001 Provide Responsible Gambling Services. It also has attached to it, under the power of the Tasmanian Commission, additional Tasmanian additions that relate to the specifics of Tasmanian context in industry and exclusion scheme.

It is required to be conducted by an approved registered training organisation. I am advised that two RTOs provide the course, one of which is TasTAFE. This amendment is unnecessary. Potentially my explanation gives comfort to those who might have supported the proposal.

Mr WINTER - I think the amendment has merit. The minister gave an explanation of the course and what it requires. Section 2 'Proposed talks about a course of training may only be approved under subsection 1(a) if the course includes training that will assist special employees to recognise and assist persons at risk of harm from gambling'.

This is one of the points, as Ms Johnston correctly said, that was made by workers; it is very difficult to identify. A lot of the time it is outside the scope of what they currently do to actually proactively speak to a user, unless in extreme circumstances they are required to do so by law.

My question to the minister is: can you specifically talk about what training is available under the current arrangements that would assist special employees to recognise and assist persons at risk of harm from gambling?

Mr FERGUSON - Thank you, Mr Winter for your question. I am not in a position to answer the question in the level of detail that you have suggested. The commission has the powers, as I articulated in my earlier answer. A large amount of detail is publicly available on

the Treasury website. If you were to search under Liquor and Gaming Division you would find a section on Responsible Conduct of Gambling and there is a link to the course and the content. For the benefit of this debate, I refer you to that resource. It is quite detailed and has extensive material which relates to the national competency.

I repeat that the commission in Tasmania has provided an additional requirement around some Tasmanian inclusions to relate to our arrangements with our industry and the Tasmanian exclusion scheme.

Ms O'CONNOR - Minister, while the commission may well have the powers to require special employees, that is people who work in pokies venues, to undertake training on responsible service and also potentially how to identify people who are losing too much money and who should not be in there but there is nothing in the principal act, there is nothing in the amendment bill that requires special employees to have any knowledge of responsibly providing gaming services.

There is no prescription for training for staff who, as Ms Johnston so vividly described, do come across people who are sitting there in their own urine. I do not understand why you are so resistant to having in the legislation a requirement for this sort of training if you are even half serious about harm minimisation.

Ms JOHNSTON - I understand that officially employees undergo training around responsible gaming. I have looked at the lengthy provisions on the website. Again, I make the point that Anglicare has responded to those provisions and said they do not go far enough. Whilst it talks about the way in which gaming is provided, it does not talk about how employees can recognise problem gamblers and assist problem gamblers. I suspect most employees in the sector would have no problem following the rules that the responsible conduct of gaming requires in terms of how they interact with customers when they enter the venue. What they probably do have difficulty with, and what is a difficult conversation, is how to interact with a problem gambler. We know in many of these venues there are problem gamblers.

As Ms O'Connor has indicated, I cannot understand what is wrong with having in the bill a requirement that the training they are already going to go to has a component which helps them recognise and assist persons at risk of harm from gambling. I cannot see the difficulty in doing that. It enhances the training they already get, recognises that poker machines can and do cause addiction, and ensures that they feel comfortable and safe in their workplace; that they are appropriately trained and qualified to have those difficult conversations.

Mr CHAIR - The question is that the new clause C be made part of the bill to follow clause 75.

The Committee divided -

AYES 12	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay	Mr Ellis
Ms Haddad	Mr Ferguson

Ms Johnston (Teller)	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie (Teller)
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff
Mr Winter	Mr Shelton
Dr Woodruff	Mr Tucker

Mr CHAIR - The result of the division being Ayes 12, Noes 12, therefore in accordance with the Standing Order 257 I cast my vote with the Noes.

New clause C negatived.

Clauses 76 to 93 agreed to.

Clause 94 -
Section 80 amended (Approval of machine types and machine games)

Ms O'CONNOR - I had a conversation with the minister about some of these amendments last night. Mr Ferguson, I know I said I would email you. I have not because I have not had time. There are a number of our amendments as a consequence of early attempts to remove, for example, fully-automated table games from the legislation. There is no point moving them because once you fail to get them out of the front-end of the bill there is no point in doing that.

I am going to, very quickly, indicate to the House our amendments. I am not saying where I want us to go next, necessarily, because there are amendments from Labor, and Kristie and we have more. At least, in the first instance, we will not be moving our amendments to clauses 94, 97, 99, 100, 111, 118, 131 and the second amendment to 159, as well as the fifth amendment to clause 173.

We obviously had other amendments and questions through the clauses, not that we are here to take any pressure off anyone, but that should make things clearer to the House.

Clause 94 agreed to.

Clauses 95 to 103 agreed to.

Clause 104 -
Section 91 amended (The Commission's rules)

Ms O'CONNOR - Mr Chair, the effect of this amendment is to provide the Commission with powers to set rules regarding the sale and disposal of equipment.

I move -

Page 20, clause 104.

Leave out all words after "Section 91".

Insert instead the following:

"of the Principal Act is amended as follows:

(a) by inserting in subsection (1)(ga) "or the use of gaming tokens" after "cash";

(b) by inserting in subsection (1)(h) "that is prescribed for the purposes of this section as being" after "matter";

(c) by inserting after subsection (1) the following new subsection -

"(1A) The Commission may make rules for the manufacture, sale, supply, acquisition, ownership, possession, use, operation, transport, management, disposal and destruction of gaming equipment.";

(d) by inserting in subsection (3) "or (2)" after "subsection (1)"."

The purpose of this amendment is to try to give the commission some of the capacity that has been removed in previous amendments to the principal act that remove the commission from having to approve the sale or disposal of gaming equipment. We believe it is certainly something the commission should have an authority over and we hear from the minister quite a lot about the commission's powers.

I do not know yet whether the commission's powers cover this aspect of gambling in Tasmania. As the independent experts in gambling policy and also the oversight body for the industry, there is a very strong argument to giving the Liquor and Gaming Commission the capacity to make rules for the manufacture, sale, supply, acquisition, ownership, possession, use, operation, transport, management, disposal and destruction of gaming equipment. You need to have some rigour in there about gaming equipment, what type of equipment, who can buy, who can sell it, who can dispose of it, how it is disposed of and those matters.

Mr FERGUSON - Thank you, Ms O'Connor, for your amendment and your words. The Government does not support the amendment; however, I do have some comments to offer with respect to what the proposed arrangements would be in place to virtually cover those kinds of areas you have described.

As you know from your own clause notes, the substantive clause in front of us you are seeking to amend inserts a reference to the use of gaming tokens and provides for other matters relevant to the conduct of gaming or gaming activities to be prescribed in regulations. The reason for this is the current provision is considered to be too broad and moving it to the regulations, which is still brought before the parliament, will provide an appropriate level of focus and transparency as to the measures that can be included.

The amendment moved by Ms O'Connor seeks to introduce a provision to allow the commission to make rules in relation to a number of operational matters. Ms O'Connor herself has outlined those. These matters are to be provided for in the regulations and are considered

procedural and machinery in nature. I can advise you that the Commission's own advice to government was for the act to be less prescriptive and for the focus to be on high-level outcomes on a principles-based approach, which I believe that we discussed in committee in our first day of debate.

With these types of matters, as I have described them as procedural and machinery in nature, ought instead to be included in regulations. I can also advise that the commission's rules are being amended to include any matter that is prescribed in regulations. In terms of how that will proceed, before you ask me - because if I were you I would ask - how will those regulations be drafted? They will be developed in a two-way process between the Government and the Commission, with the Commission principally leading and guiding government on what will be the appropriate way forward and what provisions should be included in those regulations.

Ms O'CONNOR - Can I ask a question off the back of that? Thank you for that explanation, minister, and thank you for pre-empting one of the questions I would ask. The other one is, do you foresee the need to have described - prescribed - in regulations the basic principles within this proposed amendment, which is that the commission can make rules for pretty much everything that there is to do with the sale, disposal or use of an EGM?

Mr FERGUSON - Thank you, Ms O'Connor. The answer is yes and I would also refer you to future clause 173 of the bill in front of you, obviously jumping ahead a bit. You will be able to see that in a future clause which deals with what the regulations are to encompass you will see under clause 173 it amends section 174 which deals with regulations. It has a whole range of matters which are encompassed and then I draw your attention to sub part (n) which deals with the manufacture, sale, supply. I do not know if it is the same as your page, mine is 226, the manufacture, sale, supply, acquisition, ownership, possession, use, operation, transport, management, disposal and destruction of gaming equipment and as I say, a whole range of other matters as well.

Amendment negatived.

Clause 104 agreed to.

Clauses 105 to 107 agreed to.

New clause D inserted.

Mr WINTER - Mr Chair, I move -

New clause D to follow clause 107 -

A. Sections 96A, 96B and 96C inserted

After section 96 of the Principal Act, the following sections are inserted:

96A. Facial recognition system to be in place

(1) In this section -

"approved facial recognition system" means a facial recognition system that is approved under subsection (4);

"excluded person", in relation to the holder of a licence, means a person who is on a list of excluded persons provided under section 112IA to the holder of the licence;

"facial recognition system" means a system that enables the facial image, of a person who is about to enter a gaming area, to be recognised, identified and recorded;

"prescribed requirements" means requirements, in relation to a facial recognition system, that are prescribed for the purposes of this section.

(2) It is a condition of a casino licence, a keno operator's licence and a venue licence that the holder of the licence -

(a) must, for the purpose of identifying whether an excluded person in relation to the holder of the licence is about to enter a gaming area to which the licence relates, operate an approved facial recognition system in accordance with the prescribed requirements; and

(b) must not allow a person to enter a gaming area to which the licence relates unless the holder of the licence has caused a record, in accordance with the prescribed requirements, of the person's facial image to be made by means of an approved facial recognition system operated in accordance with the prescribed requirements.

(3) A person may apply to the Commission, on the approved form accompanied by the prescribed fee, for approval of a facial recognition system.

(4) The Commission may, on the application of a person under subsection (3), approve a facial recognition system or refuse to approve a facial recognition system.

(5) The Commission, after receiving from a person an application under subsection (3) -

(a) is to conduct an evaluation of the facial recognition system to which the application relates; and

(b) may require the person to provide any additional information or material that the Commission considers necessary for the purposes of evaluating the facial recognition system.

(6) The Commission must not approve a facial recognition system under subsection (4) unless the system complies with the prescribed requirements.

96B. Card-based play systems to be in place by 1 July 2025

(1) In this section -

"approved card-based play system" means a card-based play system that is approved under subsection (4);

"card-based play system" means a system for enabling a player to engage, by means of a card issued by the holder of a licence, in a game, gaming or a gaming activity, provided by the holder of the licence;

"licence" means a casino licence, a keno operator's licence and a venue licence;

"prescribed requirements" means requirements, in relation to a card-based play system, that are prescribed for the purposes of this section.

(2) It is a condition of a casino licence, a keno operator's licence and a venue licence that, on and from 1 July 2025, each gaming machine, and each FATG machine, operated by the holder of the licence, will -

(a) enable a player to take part, by means of an approved card-based play system, in any game, gaming or gaming activity, delivered by means of the gaming machine or FATG machine; and

(b) operate the card-based play system in accordance with the prescribed requirements.

(3) A person may apply to the Commission, on the approved form accompanied by the prescribed fee, for approval of a card-based play system.

(4) The Commission may, on the application of a person under subsection (3), approve a card-based play system or refuse to approve a card-based play system.

(5) The Commission, after receiving from a person an application under subsection (3) -

(a) is to conduct an evaluation of the card-based play system to which the application relates; and

(b) may require the person to provide any additional information or material that the Commission considers necessary for the purposes of evaluating the card-based play system.

(6) The Commission must not approve a card-based play system under subsection (4) unless the system complies with the prescribed requirements.

96C. Licensees to ensure certain systems in place

(1) It is a condition of a casino licence, a keno operator's licence and a venue licence that the holder of the licence has in place systems and processes to ensure the holder of the licence, and each person (a ***supplier***) who supplies to the holder of the licence goods or services to which this Act relates, comply with the laws, relating to industrial relations or workplace safety, of any jurisdiction in Australia, to which the holder of the licence, or the supplier, respectively, are subject.

(2) It is a condition of a casino licence, a keno operator's licence and a venue licence that the holder of the licence has in place systems and processes to ensure that each person who is engaged, or employed, by the licence holder or by a person (a ***supplier***) who supplies to the licence holder goods or services to which this Act relates, is not subject to discrimination or harassment by the licence holder or supplier, or by a person engaged or employed by the licence holder or supplier, if the person provides information relating to -

(a) the compliance of the licence holder or the supplier with the requirements of this Act; or

(b) conduct of the applicant or the supplier.

We made these points in the second reading debate so there is not much need to make the same points again. We appreciate the Government moved its own amendment in relation to these two items much earlier in the debate. We appreciate the willingness that the minister outlined to pursue these approaches to harm minimisation.

However, that does not preclude the Government from accepting this amendment. The amendment does not require any specific arrangements in relation to either of the technologies. It just requires that a system be in place for facial recognition and that card-based play be in place.

I said earlier in the debate that card-based play is not about loyalty cards. We know loyalty cards do the exact opposite to what we are aiming to do here. What we are aiming to do is to assist people who are being harmed by gambling rather than further ingratiate them in a system that might be doing them harm.

That said, I do not think the amendments are out of step with the rest of the bill. Throughout the bill there are requirements for certain hardware systems to be in place when it comes to operating EGMs. For that reason, I do not see it being out of step with the remaining part of the bill.

Ms O'CONNOR - I appreciate that Labor has put quite a lot of effort into this amendment. I think there are real problems with it though. Neither Labor nor the Government was prepared to support a $1 bet limit. Neither were prepared to support slower spin speeds. No-one has talked about reducing the number of poker machines in our community, except for the Greens and Ms Johnston and so those genuine harm minimisation measures that are not the ambulance at the bottom of the cliff have been ignored by both the old parties in here.

To be really clear, what the first part of his amendment on facial recognition would require is that every venue that has poker machines has surveillance equipment in place and so, the best the industry is prepared to accept and that Labor is prepared to offer up as harm minimisation is a surveillance approach.

We have surveillance states in the world, for example Xinjiang, where everyone's movements are followed by facial recognition technology. I do not know how comfortable anyone attending a pub or club would feel.

Mr Winter - There are already cameras in these venues.

Ms O'CONNOR - This is facial recognition technology. This is quite different. It says here that any of those venues must operate an approved facial recognition system in accordance with the prescribed requirements. We have an amendment that went through the House that was brought forward by the minister who was feeling some heat on harm minimisation where he can request the Liquor and Gaming Commission to review these technologies, but I do not know how proven they are in terms of harm minimisation.

This is what the former gaming commissioner Peter Hoult had to say about facial recognition technology. He said:

> Facial recognition, I think it is just something somebody thought up because it is highly unlikely to happen. It is highly unlikely to be acceptable in the community to have facial recognition going on in every pub and club as people walk in the door.
>
> It would be extremely expensive to manage. So I do not even know why they are referring to these two things, they know exactly what will be said about them because all the work has been done on card-based pre-commitment. Card-based pre-commitment only works if you have a card reader on every machine and every person who games has a card.

He is not particularly enthusiastic about the likelihood of facial recognition technology. What he says, however, is that if you really want to reduce harm quickly you slow the machine down, you reduce the spin rate so people cannot literally lose thousands of dollars in an hour. He notes that:

> We have the fastest spin rates in the world on poker machines in Australia by a country hour.

If you are serious about reducing the harm caused by gambling, Mr Hoult says:

> If you really wanted to do other things, you would limit the hours, you would cut off poker machines at 11 o'clock or 12 o'clock at night on weekends and do it at 10.

The evidence is in. It is in the submissions that have been put to government on the draft bill from Anglicare, from TasCOSS, from the Salvation Army. The evidence is really clear that those measures, which the former gaming commissioner laid out, are actual harm minimisation measures.

We have an amendment here before the House which undoubtedly has the support of industry. It has been checked off with the Tasmanian Hospitality Association. We can be 100 per cent sure of that because Labor, in its agreement with the THA committed to working with the industry on future policy development in gambling so we know that this has the THA's approval.

We also know that it pre-empts the work that would be undertaken by the Liquor and Gaming Commission on these technologies. I think that too, in a way, is somewhat cynical given that card-based technologies are operating to one extent or another on the mainland so we have seen in other jurisdictions how it might be utilised here. Mr Hoult makes it really clear though, the only way that a pre-commitment card will work is if you have a card reader on every machine and every person who games has a card.

The only way a pre-commitment card will work is if you have a card reader on every machine and every person who games has a card. 'In Queensland, he says, 'they ask about what does it mean for the recreation occasional punter, are you going to require them to get and have a card and pre-commit and in Queensland they said no, it would be too much of an impost and therefore it won't work because if someone who has a gaming problem puts money on a card and pre-commits they lose that money. They can go to the next machine which does not have a card reader on it and continue to lose money at the same rate they were doing on a machine with a card reader'.

I would have liked us to be able to support this amendment. It is not going to have the minimisation of harm effect we know is required. The reason we know that is because the industry supports facial recognition technology. That is how we know it will not stop too many people from losing their money on the pokies. If Mr Winter wants to respond to that and try to persuade us, I am interested to hear it, but I am more persuaded by the former liquor and gaming commissioner so far.

Mr WINTER - Thanks Ms O'Connor. This technology is already in place in South Australia. It is not as though we are proposing something that has never occurred before. It is quite new, that is for sure, but it is already in place. I can remember as a Treasury cadet, Don Challen who was the secretary at the time said, 'What you want to do is you want to find policies that have already been put in place in other jurisdictions. Don't try and recreate the wheel. If you find a problem, look around and see what solutions have been put in place elsewhere'. That is why I was particularly enthusiastic about this. As people know, I do have an interest in

technology and this appears to me to be a way for technology to assist in identifying people who have identified issues with gambling.

As of May this year more than 230 gambling venues across South Australia had installed facial recognition technology. It is true in South Australia not all venues are required; only venues with more than 30 machines are required. It is also true, as Ms O'Connor said, that our limit requires that every venue that has EGMs would be required to have these machines.

As I said in my second reading contribution, the conversation I had in relation to this was with an operator who was showing me the systems they have in place to identify people who have been excluded or excluded themselves from EGM venues. The folder full of faces is not a good way to identify people or whose families do not want to be in an EGM venue. There are a lot of people who do get identified and that is a credit to the staff and the operators who do identify people and require them to leave. It is impossible to know how many are not being identified by staff, because it simply is too difficult to do that job.

Ms O'Connor - Especially at 3 a.m. in the morning.

Mr WINTER - Any time. I would struggle at 3 p.m. or 3 a.m. to identify a folder full of faces. The opportunity is to use this technology to ensure if you have identified or been identified as having a problem, it is impossible for you to be in a venue which is why I think it is an opportunity to really target people who do not want to be or the family do not want them to be in the venues because they are doing themselves harm.

The other point I want to make is that particular operator, when I spoke to him about this - I will not identify him because I have not spoken to him - is strongly opposed to using this technology. I pointed out to the operator there were security cameras in the venue already and the privacy issues flagged held up because there are already security cameras in place. I cannot imagine too many venues where, even without EGMs, where there would not be security cameras for the safety of staff, if you are in a venue like that.

It is not a new thing to have cameras. Yes, facial recognition does have a more enhanced technology, but they have the opportunity to ensure people who are doing themselves harm are no longer within the venue.

Ms O'CONNOR - I understand the point you are making, Mr Winter, about the potential for facial recognition technology to stop people who have self-excluded from coming into venues, but do we have any proof from anywhere it will actually reduce harm? Is there any evidence of it reducing harm?

Mr Winter - You are quite correct. It is a fairly new technology. We have stats on the number of people who have been identified, but it will take a bit longer to get hold of data about how much harm is being reduced.

Ms O'CONNOR - Okay, so you would foresee even though the technology is there to identify people who have self-excluded, it would still scan the face of every person who came in the venue?

Mr Winter - That is correct.

Ms O'CONNOR - Yes, that is right, okay. Would you agree that facial recognition technology would not only be used to detect problem gamblers, it would also be, for example, to pick out VIP gamblers in the crowd or people like my grandmother, when she was given her gold card, that forced her to sell her unit before she died penniless. It could be used for welcoming regular patrons back to a venue and letting them know their favourite beverage is waiting for them at the bar, couldn't it?

Mr WINTER - I am sure it could. I am sure a lot of things could happen, but one of the reasons we have a legislative framework the way we do and particularly through the regulations we are able to ensure the technology is used appropriately. It would not be appropriate for an organisation to, as you say, point out VIP customers and identify them as they came in.

I also point out with regard to this amendment we are proposing, you are right, we are moving essentially the two technologies at the same time. The other amendment is the requirement for card-based play. The opportunity for card-based play linked to personal IDs, not loyalty cards, is that you can not only identify people who are doing themselves harm through the facial recognition technology, but also through their gambling habits through the cards.

The opportunity again therefore, is for people who are spending above their limits. We are able to track and they are able to see their losses and are able to be identified. The reason I am moving both amendments is because they are complimentary and both of them will make this bill better, which is why we are supporting and proposing it.

Dr WOODRUFF - What Mr Winter has outlined is that Labor's only substantial proposal to reduce gambling related harm is to enable the wide-scale surveillance of people who are going into pubs and clubs and other venues, wide-scale facial recognition surveillance, which is untested.

Mr Winter - It is not untested. It is actually happening.

Dr WOODRUFF - That is happening. It is not the same thing as being tested. Tested is something that is undertaken, repeated, validated and it is reported and there is evidence of results. You did not point to any results.

Mr Winter - It is reported.

Dr WOODRUFF - But you did not point to any results, no evidence of its efficacy, and that is what we are looking at here. If we want to reduce gambling-related harm, we have to have proof that it works. Mr Peter Hoult made it really clear that there is abundant proof of what does work and if Labor was clearly serious about wanting to reduce gambling-related harm, reduction in spin speeds, reduction in the maximum bet rates are all things which could have been picked up.

The point has been abundantly made by the Leader of the Greens that Labor has come up with the one proposal untested for facial surveillance technology which the industry supports. Yet, Mr Peter Hoult made it very clear on the ABC that this industry depends on problem gamblers and 30 per cent to 40 per cent of the revenue from pokies comes from people with a problem. Nobody in the industry wants to stop them gambling because if it did the industry would go belly-up.

It is community blindness to the fact that the only way you are going to stop addicted and at-risk people losing money is to cause harm to the industry's cash flow and he said:

> I don't know how else to put it. There are many, many things you can do to reduce harm but it will reduce the revenues both to the industries and, through that, the government.

Mr Peter Hoult, a former commissioner, has made the point very clearly that these untested technologies that are supported and promoted by the industry are precisely because they will have almost no effect.

Mr Winter - Can you outline when they have been promoted by the industry?

Ms O'Connor - Because they are in the THA submissions.

Dr WOODRUFF - We can only imagine that it has been in conversation with the industry. As Mr Peter Hoult says, 'I can only assume that they've been in conversation with the industry … - they being the Labor Party - 'and have decided, both Labor and Liberal party …'.

He says the Labor Party has been craven on this, that they do not want to take on the industry because they know what happened in the state election before last when the party dared take on the industry and was made to suffer a vast amount of investment by the industry in a campaign against the Labor Party. One can only assume that the smallest target possible that Labor is providing for themselves, along with the Liberals on this bill, is because they do not want to do anything that Federal Hotels has told them not to do.

Ms O'Connor - That is right.

Mr FERGUSON - The reason the Government does not support this amendment is twofold. It is not because in principle we see a problem with what Mr Winter is proposing in terms of his vision and his concept.

The two reasons the Government does not support this amendment - one is because the approach that is adopted in the wording of the amendment does really pre-empt the Tasmanian Liquor and Gaming Commission's investigation about whether facial recognition systems and whether card-based play systems can and should be implemented in Tasmania, but not just on the principle but how it would work, the type of systems that would be needed, and the appropriate operator of those systems.

For example, I do not want to make a big deal out of this but my vision would be quite different from Mr Winter's in potential facial recognition. I would not see it as being venue-based and I would see it as being third party-based and licensed by the commission and with some quite strong separation from venues. The fact that Mr Winter and I have a different perspective on that is almost immaterial but I would not want to lock it in at this stage.

I would want to know what the advice of the commission is in helping government to solve that puzzle, then to provide advice on how implementable it is and in what time frame it can be done and at whose expense. I would make the same comments in relation to that

probably on both the clauses or the sections relating to facial recognition and the card-based play but I do think both of them are good ideas, I do. I want to put that on the record.

Ms O'Connor - One dollar bet limits and slower spin speeds are a better idea.

Mr FERGUSON - I am not convinced of - I am happy to have that engagement with you but I am actually not in agreement with you on that point.

The second reason is perhaps more from the legal point of view in terms of the House and managing this bill. The Government has put forward a different amendment and it has been agreed by the House.

That was back in clause 20, when we added a new clause to the bill, post-clause 20, which I have in front of me and I will not rehearse it again. It does adopt that different approach, where it is by ministerial direction, which I had already pledged to do Tuesday two weeks ago because the Government had come to the view - even before this bill was brought in front of the House - that we wanted to take these three additional steps for genuine harm reduction. We want to see harm reduction that is effective and useful for individual people in their different circumstances.

Ms O'Connor - If you did, you would support $1 bets.

Mr FERGUSON - Others seem to have difficulty counting to three. Ms O'Connor and others have, time and time again, said, you know, it is only two initiatives, facial recognition and card-based play because the industry told them to do that. It is simply not correct to make those assertions because the third element that some people conveniently leave out is the Government's intention to give direction to the commission to also investigate and report on practicable and implementable steps for pre-commitment to be introduced.

I gave Labor some credit for the style of my amendment when I moved it because it was not my original intention to include it in the bill. It was the Government's intention that the minister should do it by direction to the commission. That will still be the case, but what the House has already agreed is that I would be compelled to do that because the final bill directs me to do that. I am very comfortable with it because it is something we have pledged to do. For the comfort for those who wanted to see it codified through the opportunity the bill provides to get it in writing, we have done that.

It would be a problem, with great respect on this matter, Mr Winter, for the bill to contain two, if you like, competing directives, one that directs the minister to have the commission design these schemes and a separate clause that creates these schemes in a way that, perhaps, nobody has yet had the benefit to design for our state. It would be a problem in interpreting the act in doing both. I do not particularly want to vote against this but we will be because I cannot see that appear in the final form of the bill.

The last thing I would like to say is that I hold great hope on pre-commitment. If we are going to continue to debate one dollar bet limits, spin speeds and other tactical, machine-based interventions, I say it again, it will not work for the people you think you are trying to help. It will not work. One commentator who has been honest enough on Twitter, here in Tasmania and who is well known to everyone here, has talked about their own circumstances and their own difficulty in this area and has made clear that one person's $20 is another person's $200.

You cannot expect that the harm reduction you think is necessary is going to be effective for the population.

Dr Woodruff - Instead of quoting people on Twitter, why do you not quote someone like Professor Livingstone, who actually has some evidence on this?

Mr FERGUSON - It is good to listen to everybody. With respect, Ms Johnston and others have offered a point of view, that if you do these things you will be able to limit people's losses to $900 a day. I do not know too many people who can afford to lose $900 a day. I do not.

Ms O'Connor - This bill certainly gives them an easier opportunity to do that.

Mr FERGUSON - I find it interesting that some people would feel better about pinning their hopes on that kind of regime, where you are limiting people's losses to $900 a day, than a pre-commitment system that identifies the amount of money a person at a period of sobriety and clear-headedness in entering the system can pre-define, pre-commit, the maximum extent they can afford to lose, whether it be over a year, a month, potentially a day. I am not the commission and I look forward to the advice.

Dr Woodruff - You always arc up when you know you are on shaky ground with your argument.

Mr FERGUSON - I feel a lot more comfortable with that and I struggle to understand why those people who are interjecting on me right now seem so stubborn on this, when it seems to me it might actually be something that would help people.

Mr DEPUTY CHAIR - Dr Woodruff, you were heard in silence when you made your contribution.

Mr FERGUSON - For all of the insults that get peppered around this Chamber about the old parties, it seems to me that it might be those parties that have identified the most pragmatic, the most helpful way forward; but you giggle and by the way, if you want to help people you ought to be interested in doing good, not feeling good. I struggle to see why you feel that pinning your hopes on $900 a day is a better outcome than what we are seeking to do. I would like to encourage that be supported more.

I appreciate the support that the Government has received from right around the state about the announcement that we made on that day that the bill was tabled, and which I outlined in more detail in the second reading speech; and which we have further bolstered by including it as a compellable rule for the minister to then go through with those pledges. I make those comments in good faith.

Thank you, Mr Winter, for your amendment. Hopefully, you understand why we are not supporting that amendment today.

Ms JOHNSTON - Chair, I feel deeply conflicted about this proposed amendment. On one hand, I want to encourage the Labor opposition to give serious consideration to harm minimisation measures and to scrutinise this bill and suggest changes and improvements to it, because I believe that is important in this House and in the upper House as well. However, at

the same time, I recognise that the measures they are proposing, as Ms O'Connor said earlier in the contribution, are simply putting the ambulance at the bottom of the cliff. It is important that we do not fool ourselves about the extent to which these harm minimisation measures will have an impact on problem gambling.

First and foremost, it is important to recognise that the particular measures that have been proposed put the blame for problem gambling on the individual, and do not recognise that it is the predatory gaming machines that are causing the harm. Instead, it focuses on the individual; and as we have discussed previously, an addiction to gambling is a clear, recognised psychiatric condition.

Earlier in his contribution, the minister talked about having a clear head and then being able to self-exclude, or to commit to a reasonable sum of money for mandatory pre-commitment schemes. The problem with someone who is addicted to gambling, to poker machines, is they are not clear headed. We heard a number of times about how people say that they feel fuzzy. They go up to these machines and it has a hypnotic effect. When they are away from these machines they feel drawn to them, they cannot walk past the pub without having to go in. They are not in a clear state of mind at any point, because these machines have been designed to be predatory. The measures that were proposed here by Labor put the blame onto the person who is addicted, rather than recognising the predatory nature of the machines.

I want to again highlight that the film *Ka-Ching! Pokie Nation* highlighted that when Aristocrat founder Len Ainsworth was interviewed and asked what the secret was of the company's success, he said, 'Oh, I think building a better mousetrap'. That is exactly what we have - a better mousetrap.

These particular provisions that are proposed will potentially have an impact on the harm caused by poker machines for those people who have, and are capable of identifying, they have a problem. There is a very small number of people who have already self-excluded. I can see the benefit of facial recognition and technology to assist employees on the floor recognising those people. It will identify them, but it relies on someone having the ability to self-identify they have a problem. Time and time again, you can walk into any pokie venue and see someone there putting their household income into the throat of a poker machine, completely unaware of what they are doing and how much they are losing. A pre-commitment to a card based scheme requires someone to have the self-awareness to understand what their limits might be; and again, that goes against the very nature of what the machines are designed to do. They are designed to suck you in, to remove you from reality, and that is a concern.

I am also concerned that the measures proposed are, ironically, more intrusive on the recreational player than the harm-minimisation measures I have been talking about for a long time. A recreational player will see a difference in the way they use the machines, in particular with a card-based system. With a slower spin speed, or a maximum $1 bet limit there will not be any difference.

I note that the THA has condoned these particular measures, and that sits uneasily with me. When an industry says they are happy with harm minimisation, recognising the industry makes recommendations and they take a lot of money from those addicted to poker machines, and it is in their interests to keep the people addicted to poker machines, it makes me nervous when the industry says that they 'would accept this kind of harm-minimisation.' It should be pointed out that the THA deal has been signed by Labor. I note that the Opposition Leader

signed that deal, as well as Mr O'Byrne, member for Franklin, in a previous life. It makes me very uneasy. However, in the spirit of wanting to try to encourage Labor to continue to scrutinise this bill, and recognising that it may potentially have an opportunity to minimise harm caused to those people who have been able to self-exclude, or who may be able to recognise what the appropriate limit would be on a card-based play, I will support these amendments. However, it does not sit easily with me.

If we are going to have these amendments, then I strongly encourage members of this House to support further amendments to introduce real harm-minimisation measures - genuine harm-minimisation methods, which will stop the machines from being so predatory in the first place.

Can you imagine the difference we could make if we adopted measures that dealt with the machine, as well as measures that looked after the person. I started my contribution and I am conflicted about this because I consider this is going to make a tiny difference and I do not want the Labor Opposition to feel as though they have got off the hook when it comes to harm-minimisation measures. I want to encourage them to see this as a start; but there is so much more that can be done. I hope that they give that serious consideration later on in the debate.

Mr WINTER - I did not agree with a lot of what Ms Johnston said. I want to clarify one comment I think Ms Johnston talked about - people needing to self-exclude in order to be picked up by facial recognition technology. The liquor and gaming website talks about the Tasmania Gambling Exclusion Scheme. It talks about self-exclusion, quite rightly, as Ms Johnston said, but also, venue-operated exclusion and third-party exclusion, which is where a person with a close personal interest in the welfare of another person applies to the Tasmanian Liquor and Gaming Commission for that person to be excluded from gambling, including internet-based gambling.

The opportunity there, under those provisions, is that not only the people who have identified themselves as having a problem with gambling, but for the family, someone with a close personal interest, or for the venue themselves to actually identify someone and for them to be included with facial recognition technology It is then not just self-exclusion, it is also exclusion by people with a close personal interest.

Ms JOHNSTON - I will respond to Mr Winter's point. I recognise that. The point is with self-exclusion, whether it be yourself or someone else has nominated you, the harm has already been caused; the horse has already bolted. Someone has already caused significant harm to themselves and someone else has either recognised that, or they have recognised it themselves so they may already have lost their home. They may already have lost their job.

Dr Woodruff - You can stop them from becoming addicted to gambling.

Ms JOHNSTON - You can stop them from becoming addicted to gambling - that is the whole point. This particular amendment is only concentrating on those people who have already had harm caused to them.

Government members interjecting.

Ms JOHNSTON - I am making the point, Chair, that these measures relating to self-exclusion and facial recognition only deal with the situation once a person is harmed. It requires someone to have been harmed. They may already have lost their job, their home, their family; or they may already be committing crime before someone - or themselves - have recognised that harm has been caused.

Again, I will support the amendment but I believe we would be fooling ourselves if we were suggesting that this would be the saving grace of the poker machine industry and a harm-minimisation.

I note that in his contribution, Mr Winter talked about having looked at other jurisdictions. I looked at Western Australia, for instance, where poker machines are only in casinos. They have a whole range of measures that deal specifically with the machines themselves to make them less predatory. We have not looked there, have we? This is the problem.

We are only dealing with this particular measure when harm has already been caused. It is absolutely putting the ambulance at the bottom of the cliff. I would much rather save people's lives, preventing the harm from being caused in the first place. However, I will recognise that this will make a small difference to that particular cohort of people you are talking about.

Ms O'Connor - You can tell yourself that to make yourself feel better. You can tell yourself that.

Dr Woodruff - Do you believe in the power of advertising?

Mr WINTER - These are not the exact words; I am paraphrasing but Ms Johnston said: 'Facial recognition or card-based play is not the silver bullet'. You did not say those words, but that is what I took you to mean. I agree. Nor are dollar bet limits; nor is lower spin speed.

Ms O'Connor - It is a package.

Mr WINTER - The package is not either. People will still be addicted. As long as there is gambling, people will become addicted.

Ms O'Connor - No, they will be harmed less.

Mr WINTER - And they will be harmed less by the measures that we propose. You cannot pretend that people are not going to become addicted to gambling because of the measures that you have proposed. Whilst there is gambling, people will become addicted - which is the whole problem. All of us here in this place want to see less people becoming addicted to gambling and I hope that everyone in the Chamber accepts that we all care about problem gamblers or we would not be sitting here debating for this period of time having put the work in that we have. I believe that the amendment that we have put up will have a significant impact.

The two measures that we propose are the measures that directly deal with people who are facing harm from gambling. However, there is no single measure or group of measures that will stop people from becoming addicted to gambling. Unfortunately, while there is gambling there will be people addicted to it.

Ms O'CONNOR - Just to be really clear, we supported Mr Ferguson's amendment that sent these to the Gaming Commission. It would be great if you could have a conversation with the Gaming Commission about this.

Mr FERGUSON - I am aware of the time. I will say what I can in the time that is available and pick it up if I need to.

In all fairness for a reasonable debate I must respond and note that Ms Johnston, you said something that was profoundly incorrect. You made the assertion that a person can only self-exclude - which is not correct. You excluded any other way. Mr Winter said what I was about to say, which was to set you on the correct path. The Gambling Exclusion Scheme has a range of ways in which people can ultimately be introduced into the scheme. It does include the venue if they have concerns or damage to property but it also does include the third-party exclusion: partners, family members, close friends. It is not only about people who have proven to be gambling addicts, as you again falsely asserted. It can be people who have a concern for someone who is at risk of problem gambling.

In the interest of this debate you ought to have the good grace, rather than to pontificate about being the authority on this, to recognise that your arguments against those principles were actually unfounded and incorrect. You have to have at least some grace to acknowledge that.

Mr CHAIR - Sorry, minister, it is 6.30 p.m.

Mr FERGUSON - I will come back after the break.

The Committee suspended from 6.30 p.m. to 7.30 p.m.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

Resumed from above.

Mr FERGUSON - Mr Chair, as I was saying, I would like to make two final points in my contribution. The first is the amendment the House has already agreed to does give an additional level of comfort, which is that towards the end of the rules in relation to the minister's direction that will be given. It does also call for the commission's recommendations as to the most effective way of achieving these areas of harm minimisation, the most effective method of implementing them in casinos, hotels and clubs. I also wish to emphasise it calls for the commission to outline the steps it would propose to take to implement them as soon as reasonably practicable. That is there.

I will conclude on this point. It would be unfortunately inconsistent, very inconsistent to have two clauses that attempt to deal with the same subject matter. Thank you for the amendment. However, for those reasons the Government will not be supporting that amendment.

Ms O'Connor - Chair, could I speak briefly on the amendment or have I run out of opportunities.

Mr CHAIR - You have spoken twice on the amendment already, Ms O'Connor.

Ms O'Connor - Just on self-exclusion, so everyone is really clear; 95 per cent of exclusions, as I understand it, are self-exclusions?

New clause D negatived.

Clauses 108 to 113 agreed to.

Clause 114 -
Section 101B substituted.

Ms O'CONNOR - I will start my contribution on this clause with a question. That relates to how these caps were arrived at? The proposed new clause 101B states that:

On and after the 2023 commencement day -

(a) the maximum number of gaming machine authorities in total that may be endorsed on venue licences in the State is 2 350; and

(b) the maximum number of gaming machines in total that may be installed in casinos in the State is 1 180.

which, according to our information and from a number of stakeholders in the community sector, is basically at saturation level of the number of machines you could have in Tasmania.

I am interested to understand how Government arrived at those numbers, whether there was any modelling done, whether there was any thought given to reviewing the numbers. This is a bit like when in 2003, then treasurer David Crean, a secret extension of the monopoly deed was being negotiated with Federal Group after the 2002 state election. Labor won and did not mention their intention to extend the deed for another 15 years, but effectively another 20 years.

There was a similar cap put in place and the Labor treasurer at the time made much of there would be a cap and basically said to opponents of the proposal, 'if we do not do this then Federal Group can have as many EGMs as they want in the state so this is a harm minimisation measure.'. I am sort-of paraphrasing, but that was the gist of it. The number was very similar to want it is now, about 3500 EGMs.

I would like the minister to have a think about how this number was arrived at because between these two vehicles for accessing pokies, whether it be in a venue or in a casino, we are looking here at the mechanism for the total losses across the state to be anywhere in the vicinity of $200 million in a year. What modelling was done on those numbers? I can be reasonably sure none was done, but I am interested to hear the minister confirm that.

Mr Chair, I move -

First Amendment

Page 168, clause 114, proposed new section 101B, paragraph (a).

Leave out the paragraph.

Second Amendment

Page 168, clause 114, proposed new section 101B, after paragraph (a).

Insert the following paragraph:

"(aa) the maximum number of gaming machine authorities in total that may be endorsed on venue licences in respect of a municipal area, within the meaning of the *Local Government Act 1993*, is an amount, if any, determined by the council, within the meaning of the *Local Government Act 1993*, in respect of that municipal area, by way of a by-law made by that council; and"

Should this amendment be accepted, then it would flow on to talk about the maximum number of gaming machines in total that may be installed in casinos in the state is 1180. This would give local government some capacity to reign in the proliferation of poker machines within the local government areas because as it stands, there is pretty much zero capacity for local government to have any influence at all over the location of venues and how many machines they might have in those venues. I am sure Ms Johnston has some firsthand personal frustrations with that very truth.

We propose this amendment because you need to have some capacity for policy makers to adjust settings in the knowledge there is a disadvantaged community or this community is struggling and as a council we do not want to see more machines in a venue there or we do not want to have poker machines in that particular area. That is something the council should have a capacity to influence. Even if you did not make it a kind-of carte blanche veto capacity, local government should have a say in these decisions - local governments dealing communities at the frontline in a way state and the Commonwealth government certainly does not.

Local governments are more connected to their communities than either other level of government. Local government, nominally - although we are seeing it being eroded under the Liberals - is the planning authority within that local government area so they should have a say. They have none right now. They have none in the amendment bill. We think this is something that should have the support of members empowering local government to influence, in response to their communities' needs and situations, whether or not and how many machines are in their communities.

Mr FERGUSON - Thank you, Ms O'Connor, for your amendment and your comments. The Government does not support your amendments. That does not come as any surprise to you because, as you would accept yourself, it is not consistent with the Government's policy for the continuation of the industry, but with a far better legislative framework and better governance around and breaking the monopoly which is a key tenant of the Government's position which I know has been adopted by members opposite.

The question around the numbers, I can simply say to you that we arrived at the figure of 2350 because it is 150 less than the current law provides for, because it recognises that the number of machines that were not taken up in the existing cap should be kept out from when the new date commences on 1 July 2023. We believed that was appropriate balance to be set.

In respect of local government, I understand the logic behind Ms O'Connor's arguments. I do not believe it is an appropriate role for local government to be involved in such a matter.

Ms O'Connor - Why not?

Mr FERGUSON - It would introduce local government to an area of policy it is not familiar with. The commission is, and the Government and the state-based power is. That should continue to be the case.

People have opinions but that does not mean that local government is established or equipped to be able to make determinations like that. You are seeking to add a significant power that in the act that would belong, then, to a local council. This would represent a very significant deviation from government policy that these businesses should be able to continue to operate. That is the central tenet of the Government's position, which has been well understood in the community and in the public, and has been the subject now of two election campaigns and two rounds of public consultation.

I do not disrespect the opinion. I can understand why you would push this point of view but it is not a role for local government. It is a role for state government. To seek to shift the jurisdiction on this is not considered appropriate.

Ms O'CONNOR - In response to what the minister said, the jurisdiction has already been shifted in this bill because parliament has been taken out of the equation. We have seen a massive jurisdictional shift in this legislation from the principal act.

When it comes to opinions, we have a provision in this amendment bill that allows the minister to decide that he is going to seek tenders on an initial licensed monitoring operator and then select the tenderer. He is talking about local government not having the expertise and that they might have opinions on something but we argue that this minister does not have the expertise to be the sole authority, as described in black and white in this legislation, regardless of what he says about the process that is not described in this legislation. The minister would have the sole authority to select the successful tenderer for the initial licensed monitoring operator.

There is a double standard at work here. You disempower parliament, shift the balance; you are disempowering the gaming commission, whichever way you cut it. Give more power to the minister and then, when a perfectly reasonable evidenced-based amendment is put forward about giving local government the capacity to at least influence what happens in their LGA, it is dismissed as subverting the power balance. It is actually putting the power where it needs to be; in local communities and their elected local governments, with their expertise in planning.

They actually could have expertise in this area. It does not take long to learn an area of public policy and make sure that you have the processes in place to deliver it properly. It only

takes a bit of hard work and so I reject the minister's argument for not supporting this amendment.

Ms JOHNSTON - Chair, this is a very sensible proposal. I note that I had proposed some amendments but I will not be moving those particular amendments because this does the job quite well.

I, too, am concerned by the minister's comments regarding the competency of local government to respond to the needs of the community. In fact, the Local Government Act quite clearly says they have a responsibility for the health and wellbeing of the community, so this fits squarely in this particular jurisdiction.

From my time at Glenorchy City Council, even through the difficult period at Glenorchy City Council, where council did not often agree on much, we did unanimously agree about poker machines. This is important because it is a way of local government, as the closest level of government to the community, to recognise the needs within their own community that might be unique in a particular instance. Glenorchy recognised they had a significant disadvantage in the community and that they were being targeted by the poker machine industry, and decided to respond appropriately.

In 2016, I moved the motion and it was accepted unanimously at Glenorchy to commit to harm minimisation measures and to say that poker machines do not belong in the Glenorchy municipality. That was confirmed again recently, in 2020, at Glenorchy City Council. They understood what the problems were with poker machines, what the community needed, and respond appropriately. We did not do that on the fly; there was a lot of research and expertise that went into developing that policy at council.

I know the frustrations that councils and aldermen or councillors feel, particularly when they stand as a planning authority where they get applications, whether it be for a hotel or a pub, in their council area and they are only able to assess it within the planning scheme requirements. They cannot consider, as a planning authority, whether that pub or club would have poker machines in it. They can only consider whether a hotel, pub or club is the appropriate use for that particular zone. It is a frustration because committee members will often come to a planning authority meeting and want their elected members to respond to community need or community concern. Aldermen or councillors cannot do that with a planning hat on.

If this amendment were to get up, they could have a role beyond just planning. They could hear and listen to the concerns of the community. Councils have been very keen for this and Glenorchy City Council moved motions regarding gambling. They likewise did one around liquor licences. Every time there is an application for a liquor licence, Glenorchy City Council has a policy of making a representation to the commission about that.

It fits very well within the remit of local government. They know the community extremely well, they understand their needs and they are often the ones who have to mop up the harm caused, particularly when state government fails to act. They are the ones left to mop up the harm that is caused and the devastation in the community. This amendment deals appropriately, if we have to have poker machines in our communities, that it is local government who determine how they would be distributed.

Dr WOODRUFF - I am surprised that the member for Franklin, Mr Winter, has not spoken on this amendment. I am keen to hear what he thinks. It is not his amendment but Labor will be voting on this amendment and the former mayor of -

Mr Winter - Why are you so obsessed with Labor?

Dr WOODRUFF - I am obsessed with members who will be voting or not voting on amendments that we bring to this place to try to improve this toxic bill. We want to know what a recent former mayor who has sat on the council as planning authority, and who has had the experience, as Ms Johnston has said, and as I had when I was on the Huon Valley Council, of continuing to see the erosion of the powers of local government in its role as sitting as a planning authority, in its ability to be able to speak on behalf of its community. It is a germane fact that council is continuing to be de-fanged by this Government. This provides a small opportunity to reset a little part of that balance.

In local government, under the planning authority, a council has the opportunity to decide about licensing and whether there is an increase in liquor licences in an area. Why would council not have the capacity to do that in terms of gaming venues and the number of machines in the area? It is obvious that there is a reasonable comparison to be made. Councils are more than capable - in fact, they are highly competent - at reflecting the concerns in their community. That is the role of local government. I am interested to hear what Labor has to say on this amendment.

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

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad (Teller)
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendments negatived.

Clause 114 agreed to.

Clause 115 -
Section 101C amended (Gaming machines: limit on numbers allowed in individual clubs and hotels)

Ms O'CONNOR - I advise my colleagues not to go too far. Although we do not have an amendment to move to clause 115, it is the clause that effectively extends the deed from 2003 to 2023. It is about the limit on numbers of poker machines allowed in individual pubs and clubs. The maximum number of gaming machine authorities, that is, machines, that may be endorsed on a venue licence for a licensed club is 40. The maximum number that may be endorsed on a venue licence for a hotel is 30.

This is one of those proposed amendments that we cannot allow to go unchallenged because this embeds poker machines in pubs and clubs forever. We do not support this clause.

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

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie (Teller)	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Tucker	
Ms White	
Mr Winter	

Clause 115 agreed to.

Clause 116 -
Section 101D inserted

Ms O'CONNOR - Again, this is a clause that gives operators who hold a venue licence a maximum number of gaming machine authorities of 587. That is a bucketload of machines. That is a massive licence to print money. I am interested to understand how that quite unusual number was arrived at. It is not an even number; it is a large, odd number. Was this the number that is the maximum number of machines that are already in the Federal Group's hotels - or the Kalis Group's? Where did this number come from? I think that is information that is in the public interest.

Mr FERGUSON - Yes, it is a good question. It is an unusual number, Ms O'Connor. A number like that, that is not a round number, does beg a question like that. The answer is that that is one-quarter of the figure 2350, which is the total allowable for hotels and clubs in Tasmania. The Government adopted a policy position that in breaking the monopoly and moving to a venue licence model, that we would also put in an additional safeguard of market share, to not allow an individual ownership or associate to own more than 25 per cent of the market in hotels and clubs. If you take one-quarter, it actually comes out to 587.5, so it is 587 as the limit that has been selected and inserted into the legislation for that reason.

I am not sure that you asked - but you went close - I can offer you the advice that Vantage Group, owned by Federal, operates 15 per cent of the hotel and club EGM market. Goodstone Group operates 11 per cent; Kalis Group operates 9 per cent; ALH Group operates 6 per cent so nobody is anywhere near - Vantage Group are 10 per cent off the mark but no-one is anywhere near the proposed market caps - but without this provision naturally it would be ungoverned in terms of the market share. We want to break the monopoly, not create a new one and so it has been settled by government policy here in drafting the legislation, on the advice of Treasury by the way, that this is an appropriate cap to insert. That is why the number 587 appears in the clause.

Ms O'CONNOR - Thank you, minister, for that explanation. That means that theoretically the Federal Group could control and operate 1767 machines in Tasmania, which is damn near half the proposed cap of total machines. I thought the minister's language about breaking up the monopoly was a nice try but the fact of the matter is that the Federal Group, or Vantage Group, will still have a massive hold on EGMs in this state. While they may only operate say 15 per cent of total EGMs now, there is nothing stopping them from maxing out to 587 EGMs.

There is very little stopping them from still controlling in total nearly half of the poker machines in Tasmania. Basically, what has happened here, once you dissect what the minister said about the players in this field, is you have four major players - Vantage, Goodstone, Kalis and ALH - and then you have the one major player, which is the Federal Group or Mulawa Holdings. You still have significant concentration in this industry and you have a total incentive for Federal Group or Vantage Group, whatever you want to call them, it is all the same family, Sydney-based horse breeders, who have the capacity here to again - and they will - dominate gambling in Tasmania.

I wanted those numbers put on the record, with a total statewide cap of machines of 3530 it is fully within the law for the Federal Group to own and operate 1760 poker machines in Tasmania. We are not going to sit here and listen to this specious argument about how much

Federal Group is suffering because they will not suffer. The Farrell family will not suffer. They have $745 million in the bank at least, according to *Business Review Weekly*. They will be raking in the money, not just for the next 20 years, they will be raking in the money off these predatory machines for generations.

What Federal Group started here in the 1960s will continue well into this century and that is, preying on poor people, preying on the vulnerable for their own profits. That is what both the parties in here are willingly facilitating and that is what makes it so shameful.

Ms JOHNSTON - I want to make a brief contribution for context and I note the number 587. A poker machine at the Elwick Hotel makes about $75 000. That is a lot of money. It is about double the average income of someone in Glenorchy. So 587 machines, multiply that by $75 000, you are looking at $44 million going out of Tasmanian's pockets, households, into the hands of poker machine barons.

Mr CHAIR - The question is that the clause stand as part of the bill.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston (Teller)
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff
Ms Butler (Teller)	
Ms Courtney	
Ms Dow	
Mr Ellis	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms O'Connor	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Tucker	
Ms White	
Mr Winter	

Clause 116 agreed to.

Clauses 117 and 118 agreed to.

Clause 119 -
Sections 105 and 106 inserted

Ms O'CONNOR - This is where the residential requirements for people who play in one of the state's two high roller's casinos must demonstrate that they do not reside in Tasmania. So that we can have some perfect clarity on statements that I have made in the past about a high roller casino potentially at MONA, I have learnt a lot about what happens at high roller casinos since I made that statement, not that I am walking back from it but we do need to acknowledge that high roller casinos have risks associated with them. All of us agreed on those risks in this place yesterday.

My question to the minister is, is it constitutional to prohibit a Tasmanian from playing in a high roller casino? Initially when I said David Walsh is going to have a high roller casino and it is not harming Tasmanians and it is sucking money out of the pockets of wealthy people, I do not have such a problem with that. But is it constitutional? Can you prohibit people from Tasmania from participating in a high roller casino? People from all states in Australia are supposed to be treated equally under the constitution.

Mr FERGUSON - Thank you, Ms O'Connor for your question. I will answer this question directly, but you have not asked me for the Government's legal advice. If you had, I would have answered you we are never in a position to provide that.

Ms O'Connor - I am asking you to convey the gist of the legal advice. What is your advice about the constitutionality?

Mr FERGUSON - To facilitate the conversation, I have deliberately said that and I inform the Committee that the Government has carefully considered this matter, has taken advice and the Government has formed a view with confidence, that the clause as drafted, is appropriate, defensible and constitutional.

The non-resident requirement is an important one. The Government believes there is minimal risk the restriction of high roller gambling to only non-Tasmanian residents would offend section 117 of the Constitution. If somebody was reading the Constitution, that might be the section that would prompt the question you have asked.

The Government is very confident on this. That is the advice I have been provided with. We would want to see any future high roller casinos, which are not guaranteed by the way in the legislation. There is a process established for a licence to be offered in the north, in the south and there are the necessary process steps in there. There is not a hard wiring of an outcome at all. The commission takes a primary role in considering those matters including the fit and proper person test. I hope that responds to your question satisfactorily.

Clause 119 agreed to.

Clauses 120 to 125 agreed to.

New Clause E -

Ms JOHNSTON - I move the following amendmernt to follow clause 125 -

B. New section 121LA inserted

After section 121LA of the Principal Act, the following section is inserted:

121LA Responsible gaming measures

(3) In this section -

"gaming machine advertising" means any form of advertising that contains any information, term, expression, symbol, or other matter, associated with gaming machines, but does not include any matter relating to the provision of services relating to problem gambling or technical information relating to the operation of a gaming machine;

"losses disguised as wins" means the winning of an amount on a wager that is less than the amount paid as the wager.

(4) The holder of a casino licence, a venue licence or a keno licence must ensure that, in relation to each gaming machine operated by a player in premises to which the licence relates -

(a) a single bet on the gaming machine must not be of an amount greater than $1; and

(b) the time between the start and the end of a single activation of play on the gaming machine must not be less than 6 seconds; and

(c) the stand-alone jackpot prize offered on the gaming machine must not be more than $1 000; and

(d) a linked jackpot prize on the gaming machine must not be more than $2 000; and

(e) the pay-out table on the gaming machine must be set so that, across all gaming machines to which the licence relates, the return to players is not less than 95% of the total amounts wagered each calendar year on those gaming machines, after deduction of the sum of jackpot special prizes determined as prescribed and payable during that year; and

(f) if the net win or spin on the gaming machine is less than the total credit bet, the gaming machine must not -

(i) produce any audible sound to accompany any loss disguised as a win; or

(ii) produce any display of congratulatory messages to accompany any loss disguised as a win; and

(g) the gaming machine must not create false "near-misses" at a greater rate than would occur by chance alone; and

(h) if the gaming machine has reels, then, for each of the game reels in relation to a single line game, jackpot or winning symbols may not appear in their entirety adjacent to the payline more times than they would so appear by chance alone; and

(i) the gaming machine will automatically switch off for 5 minutes at 2-hour intervals and pay out any credit on the machine before so switching off; and

(j) the gaming machine will only operate between 12 noon on a day and 12 midnight.

Penalty: Fine not exceeding 100 penalty units.

(5) The holder of a casino licence, a venue licence or a keno licence must ensure that any advertising arranged, or provided on behalf of, the holder of the licence -

(a) contains the words "gamble responsibly" in clearly legible type of not less than 12 points in height; and

(b) is not published outside the gaming area of the premises to which the licence relates; and

(c) does not contain any false, misleading or deceptive statement, including but not limited to such a statement that misrepresents the odds or probability of winning or prize or suggests that skill can influence the outcome of a game that is a game of chance; and

(d) is not directed at, or provided to, a person who is on a list of excluded persons provided under section 1121A to the holder of the licence; and

(e) is not directed at, or provided to, persons who may not fully understand the advertising and who the holder of the licence ought be expected to know will not fully understand the advertising; and

(f) is not directed at persons under the age of 18 years or that encourages such persons to gamble; and

(g) does not contain sounds associated with gaming machines.

Penalty: Fine not exceeding 100 penalty units.

(6) The holder of a casino licence, a venue licence or a keno licence -

(a) must not offer a person a free voucher, token or the like, which may be used to enable the person to gamble; and

(b) must not, as an inducement or reward for gambling, offer a person free or reduced-price alcohol for consumption on the premises to which the licence relates or vouchers for the provision of free or reduced-price alcohol on such premises; and

(c) must not offer to a person a voucher, reward or other benefit as an incentive for the person -

(i) to open a betting account; or

(ii) to encourage another person to open a betting account; and

(d) must not offer, or provide, to employees of, or persons engaged by or on behalf of, the holder of the licence or the holder of another licence, a reward or incentive to encourage another person to gamble.

Penalty: Fine not exceeding 100 penalty units.

When we are talking about harm minimisation, we are talking about a package of things. It is a bit like road safety. When we think about road safety and making sure people are safe driving vehicles, we have a range of measures that controls driver behaviour. We put up speed limits, we prohibit them from using their phones when they are driving, all those kinds of things.

We also have a range of measures that look at the safety of the vehicle. This is exactly what these measures will be doing. You will be looking at the safety of the machine. I hope that what we can do here is accept that a package of harm-minimisation measures will not completely stop someone from becoming addicted to poker machines, but it will lower the chances of them becoming addicted to poker machines. Surely that is a good thing. Just as with road safety, we cannot unfortunately prevent people from dying in road accidents but we take all the measures we possibly can to make our roads and vehicles safe, and to change driver behaviour because we think that that is an important thing.

The reality of poker machines is that they are just like vehicles. They can be very dangerous machines. They can be life-taking, life-threatening machines. We know that people have committed suicide because of their addictions to poker machines.

I strongly urge all members of this House to take this very simple step. These are steps and measures that will not impact on a recreational player but will make a big difference in terms of the harm that could be caused and the likelihood of someone becoming addicted to poker machines.

I have talked at length about the features of the machines that make them addictive, the speed at which play can occur. At the moment it is three seconds. I am suggesting six seconds. The fact that you can lose $5 with each bet is disgusting. The fact that return to the player for 85 per cent and that has been known to be slaughtering a sheep rather than shearing the sheep.

I recognise that some of measures I have outlined in my amendment are already contained in the Code of Practice. As we have with exclusions for people in the legislation, it is important that we name this in this legislation so our intent is very clear to ensure that we protect vulnerable people in our community becoming addicted to poker machines. I will go through those amendments in my next contribution but that will do for the time being. I commend this to the House.

Ms O'CONNOR - This proposed amendment from Ms Johnston contains the harm-minimisation measures which should be in the legislation. If the industry had not got to both the parties and said that we just want a mechanic's piece of legislation that deregulates as much as possible and provides the mechanical structure, if you like, for the licensing; if government was thinking clearly about mitigating the human cost of gambling addition, these are the measures that would be in the legislation. We strongly support this amendment.

I wanted to read into *Hansard* the submission to the Future Gaming in Tasmania Consultation Paper, which was released in February last year, from Peter Hoult, who was chair of the Gaming Commission between 2008 and 2016. He was the secretary of the Department of Health in 2007, secretary of the Department of Justice for three years, between 2003 and 2006. Mr Hoult makes this observation on harm minimisation, 'The consultation paper's comments on harm minimisation are pablum', a wonderful word that means bland or insipid intellectual matter:

> There is no recognition the new model carries an inherent risk of increased harms to at-risk gamblers, given that it shifts from a single 'corporate' model to about 50 venues - groups of venues - now managing significantly more individual financial risk and in direct competition with each other. It does not acknowledge that the current and immediate past chair of the Liquor and Gaming Commission expressed significant concerns about this very model when it was proposed by the industry.
>
> Evidence from regulators in other jurisdictions where the venue licensing model exists shows far greater difficulties in enforcing harm-minimisation measures and strong, perverse incentives to increase EGM turnover.

As we know from Mr Hoult's interview on Leon Compton's show, this industry will resist all the really strong, evidence-based harm-minimisation policies because their business model is based on problem gamblers. It is as simple as that.

The Neighbourhood House's submission to the draft legislation makes the point:

> For every person with an addition to poker machines, the lives of five to ten others are affected. Two thousand Tasmanians are seriously harmed, with a further 6000 people at moderate risk and 15 000 adults at low risk from their gambling, with most harm being caused by pokies. Accessibility is the biggest risk factor for developing an addiction to poker machines.

This statement, from the Neighbourhood House Network:

> Alarmingly, the Government's policy does not propose any specific changes to the harm-minimisation framework. The framework does not include the effective harm-minimisation strategies of spin speeds, bet limits, near misses and losses disguised as wins.

The Tasmanian Council of Social Services recommends the Government develop an evidence-based, best-practice regulatory framework for EGMs, including mandatory pre-commitment, maximum $1 bet limits, slowing the rate of machines and reviewing the Responsible Gambling Mandatory Code of Practice to mandate staff to intervene when they see gambling harm occurring. Of course, this parliament rejected Ms Johnston's amendment, which would have given staff better tools and training to intervene, should they see someone suffering.

From Sally McGushin of the Quaker Peace and Justice Committee on harm minimisation:

> The bill simply does not offer protection to the vulnerable consumers and the code of conduct could do a lot more. Moreover, the minister's emphasis is on a let-the-punter-beware approach towards harm minimisation.
>
> The only additional ideas that Michael Ferguson has flagged for the mandatory code are linked with the onus being on the gambler, such as making it easier for them to exclude themselves through facial recognition technology. This is not good enough if the bill is to protect consumers who are vulnerable from being harmed by gambling or exploited by gaming operators.

In the Anglicare submission to the draft legislation:

> Recommendations. Poker machines should be removed from pubs and clubs.

The new gaming regime should prioritise consumer protection. Enhanced harm minimisation measures need to be introduced immediately, as per the recommendations of the Tasmanian Liquor and Gaming Commission. Reducing hours of operation. Enforcing shut-downs after a set period of uninterrupted use. Reducing the maximum bet limit to $1 and a maximum cash input to $20, slowing the spin speed and prohibiting losses disguised as wins.

I will wind-up with the Salvation Army:

> The Salvation Army is opposed to gambling. We hold the view that gambling is an exploitative practice that should not be a means of income-generation economic development, whether by government agencies, charitable organisations, churches, or commercial interests. Gambling often preys on the most vulnerable people. It is not merely a harmless activity but can become a compulsive dependency.

The Salvation Army notes that the harm-minimisation measure that we and other organisations have been calling for over the last few years are not included in the proposed amendments. These are standard measures everywhere, except on the eastern seaboard of Australia. Now I wonder why that is? We know why it is because the gambling industry donates to the parties that make the laws, except for the Greens. For example, says the Salvos, they want to see maximum bet limits of $1, slower spin speeds in the poker machines, calling for six seconds, like in Western Australia, instead of three seconds as it is currently. Better training and supervision in gambling venues. Similarly, say the Salvos, 'We note that the proposed amendments do not include specific consumer protection measures'.

We are told by the minister that all will be well and it will be sorted out in regulation. That is not good enough. Simply not good enough. The amendments put forward by Ms Johnston, which are supported by the Greens, are also supported by the Tasmanian Council of Social Services, the Neighbourhood House Network, the Quaker Society of Friends, Anglicare, Salvos. Any number of community-sector organisations know that the measure in this amendment is what is needed to save lives, to stop people from slipping into poverty and homelessness and to protect children from child abuse and neglect, protect family members from family violence and breakdown.

This is exactly what should be in changes to the Gaming Control Act. If we are here in the public interest this is exactly what should be in the legislation.

Ms JOHNSTON - I want to go through because I ran out of time because I had to read the amendment in about what each particular provision does. It is important to recognise that what is included in here - reducing the maximum bet from $5 to $1, increasing the spin speed from three seconds to six seconds, reducing the jackpot prizes down to $1000, the linked-jackpot prizes down to $2000, increasing the player return from 85 per cent - I make the point again, that the industry describes that as, 'slaughtering the sheep, not shearing the sheep,' to 95 per cent.

It is about prohibiting losses disguised as wins and that is why the tactics used to try to lure people and to keep them at the machine. It bans false near-misses, again a predatory feature of the machines, that tell people, or suggest to people that if they just play it one more time, they just press the button one more time, then the next one they are due for a win.

The breaks in play. As we know, people can sit at a machine for many hours, but if they have the opportunity to walk away from the machine there might be some intervention. The hours of operation limit it to 12 noon on a day to 12 midnight. It is incredibly important. It is absolutely obscene that there are poker machine venues which are open for 20 hours a day.

They are not recreational players. They are people who are addicted to poker machines. It talks about advertising and prohibiting advertising that is predatory, targeting the most vulnerable in the community. Given the seriousness of the harm that can be caused by poker machines - and we are talking about life-threatening - I think that this is appropriate. It talks about prohibiting incentives to try to lure people into these pokie machine venues.

I cannot take credit for these ideas because they have been around for many years. People who have been working at the coalface of the impact of poker machines in the community - the community sector - have been talking about these for a long time. As we know, other jurisdictions - Western Australia, overseas - have adopted them and we know that they work. They are very effective. What we see, though, is the industry does not like them. Why does not the industry like them? Because they are effective. They are going to cut the bottom line for the poker machine industry.

When 40 per cent of their profit comes from people who are addicted to poker machines it is in the industry's interest to keep people addicted to poker machines, to maximise the loss for people who are addicted to poker machines. The industry obviously does not support this. I note that tonight we do not have Pat Caplice in the Speaker's Reserve and he has been here for the discussion about this over the last few days and weeks.

I want to note that during the election campaign I was attending a candidate's forum at KG5 and it came to question time and Pat got up and you all know he is a very passionate anti-pokies advocate. He was disturbed by the news about the THA deal and Labor, signed by the Leader of the Opposition and Mr O'Byrne. He asked a direct question of Ms Haddad about Labor's position on harm minimisation. Ms Haddad gave him some assurances that Labor would take seriously harm minimisation measures and would listen to the community sector.

I remember Pat looking quite happy and I think he probably tweeted a bit in about three nanoseconds that all was hopefully good because Labor had taken that position. Sadly, though, since then Pat's tweets have been disappointment because what we have seen from Labor so far is a reluctance to adopt effective harm minimisation technologies. I suspect this is because THA do not agree with these because, again, I make the point it impacts on their bottom line because they are so effective.

These are recommendations to the community sector and Ms O'Connor, the Leader of the Greens, read out a number of submissions made. They are commonsense. They are something that we can do that is so simple, incredibly simply. It breaks my heart to think that people in this House will not support these measures. Tomorrow we are going to have to go out of this place and go back into the community and I am sure all of us are going to have interactions at some point in the near future with the community sector. We are going to be talking to them about the job, the very important role that they do looking after vulnerable people in our sector. We are going to have to tell them how we voted on this particular thing. Have we voted to try to make their life a little bit easier, to help those people who have been most harmed by poker machines? Or, are we going to say, 'Actually, we did not care. We followed the bottom line of the industry because they are really concerned about making more money out of people who are the most vulnerable.'

We are going to have to go out in the community and, I am sure, talk to members of the public who are addicted to poker machines or have loved ones addicted to poker machines. It is so heartbreaking and I am sure no member of this House cannot be moved when you are

speaking to someone who is addicted to poker machines or has had someone addicted to poker machines, hearing about the impact on their life.

I will never forget the face of the grandmother who told me her son had been stealing from her, taking her pension to go and put into poker machines and she was trying to desperately keep the family together and feed his children, her grandchildren: the distress on her face.

I will never forget the face of a person who lost their best friend through suicide because of poker machine addiction. I will never forget that face: the distraught look when you talk to people who are addicted to poker machines.

Rob, who we had here a couple of weeks ago in the public gallery. He stood with the Leader of the Opposition in 2018 when they were advocating taking poker machines out of pubs and clubs in the community bravely told Steve Kinnane about his story. The look on his face when he talks about the harm it caused to him, about the measures he had to go through because he lost everything: his family, his home, his job. It is horrendous, but he knows what would have made a difference to him. He knows that slower spin speeds, $1 maximum bet limits; limiting the hours, taking away the predatory nature of machines would have made a big difference and hell, it might have just managed to intervene and stop him from going and spending so long at a poker machine venue.

I really beg the members of this House to think deeply about this amendment and what you are going to say to people tomorrow whether you are on the right side of history around this one or the wrong side because this is something you can simply do. It makes a big difference, a huge difference. It is easy to implement. It is not costly to implement. The only cost will be to the poker machine industry when they cannot make their super profits out of vulnerable people.

I commend the amendment to the House.

Ms O'CONNOR - Once Labor folded on its position it took to the 2018 State Election, what we were told when the Leader of the Opposition finally admitted they had abandoned that policy is their focus would be on harm minimisation. I heard that in Parliament. I heard that on Leon Compton's program and I have seen it on the nightly news. Tasmanians have seen the Leader of the Opposition make a promise to them that Labor's focus would be on harm minimisation and yet here we are. We have not heard from the shadow Finance Minister on this key clause put forward by Ms Johnston despite the commitment repeatedly that was made to the Tasmanian people after Ms White walked away from the principal position they had in 2018.

Mr Winter - I have spoken on this. How many times do you want me to say the same thing?

Ms O'CONNOR - I do not want you to say the same thing ever unless it is meaningful. What I think you are going to say is we lost the election in 2018 and therefore, our policy is different because you were not quite listening to me because it is hard to listen to someone when you are being berated.

What I said is after they walked away from it, a promise was made on harm minimisation so, 'We have changed our position', said the Leader of the Opposition. 'We no longer support the removal of poker machines from pubs and clubs, so our focus will be on harm minimisation.'

Mr Winter - Which is what it has been.

Dr Woodruff - Where?

Mr Winter - The amendments we have already provided.

Dr Woodruff - Which ones?

Ms O'CONNOR - That is interesting. You did not support $1 bet limits. You do not support slower speeds over one hour -

Mr Winter - They are going to be the ones you want.

Dr Woodruff - What do you mean, the ones we want? The community and the evidence say they work, the ones that are effective -

Mr CHAIR - Can we have one contribution at a time, please. Ms O'Connor has the call.

Ms O'CONNOR - Ms Butler made the mistake of interjecting then and asked: 'Why are we focusing on Labor during the debate on this bill?'. Yes, it is the Government's bill but if Labor would do the right thing, we could fix it upstairs. We would actually have a fix because your numbers and the numbers -

Opposition members interjecting.

Mr CHAIR - Enough. Order, Dr Broad.

Ms O'CONNOR - Labor's utter gutlessness here was just demonstrated once again, that they do not even see the opportunity to do something good with this legislation and not just roll through it with the Government. Your leader made a promise. Actually, she made two: one to get them out of pubs and clubs and one to focus on harm minimisation and you have done bugger all.

Mr CHAIR - Just to be clear, Dr Broad, Ms O'Connor did say that but she was still entitled to 10 minutes, she did not have to be speaking on the indulgence. She had only made one contribution.

Ms O'Connor - I know but the minister was about to get up.

Mr FERGUSON - Chair, thank you for the amendment and the debate, Ms Johnston. The Government does not support this. We have already had a very similar clause at a much earlier stage of the bill where I articulated the reasons why. I am going to be as gentle as I can be; I must say, I really feel that except for perhaps the last 10 minutes or a short while, the debate has been really much better today. I want to be genuine in saying that and I appreciate it.

We have explained already why these well-intentioned measures, you may well say they have been advocated for by churches or community groups and you may well be right about that, but by your own admission, by your mathematics on this, a person would lose up to $328 000 a year.

Ms O'Connor - If they had $328 000 to lose.

Mr FERGUSON - The point there is they will lose everything then. You are helping me make the point, Ms O'Connor, thank you, that it does not help somebody who is trapped in gambling. It will not help. It might make you feel better tonight in the debate, but if you can still lose $900 a day in one year, to lose $328 000, I do not see how you have assisted anyone.

In fact, I far prefer the role of the commission on the direction of the Government to do its work around pre-commitment, because I want to correct something I said earlier. I have met a few people in my life who could afford to lose $328 000 a year, but I could probably count them on one hand. They are not the people I associate with on a daily basis at all. They are the billionaires. Those people are not of concern in this debate.

The people of concern are those who are trapped by gambling, addicted by gambling, have a problem with gambling and may not have someone who is aware of their circumstance sufficient to tell the gaming commission that, 'We have a concern about this person and I would like them to be considered for the exclusion scheme.' Or the person who does not, for whatever reason, have the capability or the motivation to self-exclude through the scheme. These measures you are putting forward, and you are making a reasonable argument on them, but you fail to comprehend if in the end the person can still lose the same amount of money as before, but it just will take them a little bit longer to lose that money, you have not helped them.

I am not interested in feel good politics. I am interested in doing good and when I hear ultimatums around Ms Johnston's comment about being on the right side of history, how about just being on the right side of good policy? What we are proposing - if you honestly think the people you advocate for can afford to lose $328 000 a year, I would be very surprised if you could show me just one of those people. They will lose everything and you will put up the clause. You talk about it being central to your arguments on harm minimisation and you can challenge me, the Government, the Opposition, anyone you like, but it still comes back to the basic point: the person is still losing potentially more than they can afford to lose. You have not helped them.

In terms of advertising and inducements, it is also a part of the proposed clause. The commission has the power and already imposes requirements in relation to advertising and inducements under the Responsible Gambling Mandatory Code of Practice, which I commonly refer to. I will not go through it tonight, I should not have to, it is on the public record. I am also advised the proposed amendment - although Ms Johnston, I am certain you would not have anticipated this, I am certain that you would not have intended it, but I am advised that the proposed amendments in codifying your belief about what is the best messaging around gaming and advertising -

Ms Johnston - Mine and the community sector's belief.

Mr FERGUSON - You are bringing the amendments, so you have to own it.

My advice is that going down that line could create difficulty for the commission in regulating advertising in the future because you have been prescriptive. I am aware, on advice, that there is currently a national conversation occurring between all of the regulators of the nature of the Tasmanian Liquor and Gaming Commission. They meet regularly and I am advised that they are currently in a national conversation on what is the responsible messaging in relation to gaming.

I am advised, that including a term, as you have specified, such as 'gamble responsibly', it may be agreed nationally that it is not actually best practice. I am not the expert on this.

Ms O'Connor - You seem to think you are.

Mr FERGUSON - What you have to do is come back to being prepared to listen and respect.

Dr Woodruff - You have not listened to a single thing we have presented.

Mr CHAIR - Order, Dr Woodruff.

Mr FERGUSON - You interject a lot more than you listen.

Dr Woodruff - Evidence or community views.

Mr CHAIR - Dr Woodruff, you can still make a contribution, but you will listen to the minister in silence, please.

Mr FERGUSON - I speak to people who care as well. I am advised that that particular language might not be best practice at all in the future. If you lock it into legislation and prescribe it, that would not allow the commission to respond and introduce a best-practice message unless we come back and amend the act.

I am advised that the imposition of harm minimisation requirements, which I support, is better dealt with under the code.

Ms O'Connor - It is an imposition on the industry, isn't it?

Mr FERGUSON - Yes, that is right, Ms O'Connor. Somebody has to enforce the code. It is the commission. By the way, it is not only the industry that is bound by the code; it is the entirety of the gaming landscape, all of its participants. The imposition of harm minimisation requirements, I am advised, is better dealt with under the code and the commission's rules and standards, as this provides the commission with a greater level of flexibility, rather than being limited by prescriptive requirements being captured in the act.

I will leave it there, but I come back to the point that, whenever I am challenged on this question, I will be quite comfortable to say that I was not prepared to back $900-a-day losses.

Ms O'Connor - The Productivity Commission has recommended $1 bet limits. Not good enough for you?

Mr FERGUSON - I will be prepared to say and stand by, and even explain to any of those cited organisations, I would far prefer to charge the commission to come up with a pre-commitment scheme that works, that understands that people do not have $328 000 a year to lose, and come up with something that actually works, is pragmatic and is a genuine harm minimisation response.

Dr WOODRUFF - It is difficult to know where to start. Minister, you have just said that you are not the expert on this but you appear to be an on-the-fly expert on $1 bet limits. You are more than happy to hypothesise on what you know to be true about the 'non-impact', you say, of $1 bet limits instead of taking the advice of the Productivity Commission.

They made a determination about this in 2010. This has been sorted by the experts, nationally and internationally, over a decade ago but all of a sudden you want to rewrite history. Maybe you are trying, smoke and mirrors, that it does not work in your 'non-expert' view: 'One dollar bet limits? Nah, we shouldn't do that because somebody might get through and gamble away more money than this is seeking to prevent.' What you are doing is making sure that people will be able to gamble anything they have if they are addicted and if there are no constraints set on it.

This is what harm reduction is about. It is a numbers game. I would have thought the minister for Transport would understand this. When we set a rule for seatbelt limits, it is aiming to try and reduce road-related harm. It does not do a very good job because people still die on the roads and car crashes still occur. Not everybody wears their seatbelt, even though there is a law about it but it sure has a population-wide effect of dramatically reducing the number of people who have serious injuries through car crashes. This is what harm-reduction measures would do. The measures Ms Johnston has put before us are the things that evidence, experts and people who work with addicts understand have a real-life effect. If you do not believe anyone other than - I do not know who you talked to about this, because you have not talked to some experts.

Professor Livingstone said some important things that deserve being listened to. It is all about reward stimuli leading to increased flows of dopamine. We are animals, just like a dog. Just like the Pavlovian dog, we respond to stimuli. The visual stimuli, the odours, the sensations, the colours, the movement and the timing of gambling machines are all designed with a purpose, to make sure that we stay there, that we keep coming back and that we continue, even when it is against our own best interests, even when we end up soiling ourselves and even when we gamble away all the money we did not have.

That is exactly why the harm-reduction measures Ms Johnston has brought in are so important. Losses disguised as wins, near-misses and a high gambling frequency are all the sorts of things that will increase the rate of loss of a person who is addicted. There is no one single thing you can pick out that is perfect on its own but, as a package of measures, they have been demonstrated to have an enormous effect in reducing gambling-related harm. Ultimately, I would have thought that is what we are here for today.

The comments made by members of the Labor Party are gobsmacking. Dr Broad, I do not know why you think there are any Labor members in the upper House at all. What is the purpose of having Labor in the upper House, because any amendment that Labor could move would have to come back down here. Then, what?

Opposition members interjecting.

Dr WOODRUFF - And then what? Exactly. It would be up to the government of the day. Every single bill -

Dr Broad - They send it back to the upper House. What happens then?

Dr WOODRUFF - Yes. Every bill. That is what the bicameral parliament system is about. It is a house of review. That is exactly what happens.

Dr Broad - So, Federal keep going with their monopoly.

Dr WOODRUFF - What about every other bill that Labor wants to comment on? What about every other bill Labor wants to vote against in this place?

Chair, Labor has just admitted that there is no purpose in them voting against a single bill that the Government does not agree with because nothing will get supported in this House or in the upper House. There is no reason for Labor's existence in this place. The members are contributing nothing, they are standing for nothing and they are not voting against anything, either. We have leaders of the Opposition who say one thing at the election and then, hand on heart, say the opposite afterward.

Harm reduction is the centrepiece of Labor's response to this pokies bill and now we come to it, right in front of us, and they are voting against the harm-reduction measures, which all the community groups, Christian, Anglicare, TasCOSS and all the other groups have been working with for years to try to get change in this area. This is the opportunity. Only one member of Labor needs to grow a spine and vote on this, and that can make a difference. Think about that.

Mr WINTER - *Hansard* will speak for itself. Anyone can review what was actually said and I will make it very clear. What the reality is, not what some would like the situation to be, is that the Government has the majority in the House of Assembly. We all know and understand that. The hypothetical that you seem to be coming up with, that Labor can get rid of poker machines, is not feasible because the Government has the numbers in the House of Assembly. As Mr Ferguson correctly pointed out earlier, if this bill does not pass, then the Federal Group monopoly will roll on. When you vote against this bill, as you eventually will, the Federal Group - in fact, a question, Minister for Finance, could you clarify the situation if the bill -

Members interjecting.

Mr CHAIR - The question is that the new clause E be made part of the bill to follow clause 125.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney

Ms Dow
Mr Ellis
Mr Ferguson
Ms Finlay (Teller)
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Amendment negatived.

Clauses 126 to 128 agreed to.

Clause 129 -
Section 112PA inserted

Ms O'CONNOR - I have adjusted the amendments. We will not be moving the second of these three amendments because we have failed to remove fully automated table games from the bill.

I move -

First amendment -

Page 182, clause 129, proposed new section 112PA, subsection (1), after paragraph (a).

Insert the following paragraph -

(aa) general personal information protection standards;

Second amendment -

Page 182, clause 129, proposed new section 112PA, after subsection (1).

Insert the following subsection -

(1A) In preparing general personal information protection standards under subsection (1)(aa), the Commission is to have regard to the personal information protection principles contained in Schedule 1 to the *Personal Information Protection Act 2004*.

This goes to the issue of the general gaming standards that the Liquor and Gaming Commission sets. There is a whole range of standards - general electronic monitoring standards, general gaming standards, general gaming machine standards, equipment standards, and general installation and storage of gaming equipment standards.

We are very concerned to make sure that people's personal information is protected, and this relates to amendments we sought to have inserted into the provisions around the tender process for the network monitoring licence in order to be absolutely certain that people's personal information is protected.

We heard some assurances from the minister that the Liquor and Gaming Commission would set some kind of standard around personal information protection. However, we think it should be explicit in the standards that the Liquor and Gaming Commission sets under this part of the act, because we are entering into a new world of a licensed monitoring operator that will have vast data banks and potentially, should the Liquor and Gaming Commission's review recommend it, surveillance technology, facial recognition technology in casinos, pubs and clubs, potentially.

We will have vast quantities of personal data, and we consider the Liquor and Gaming Commission should have an explicit role in setting standards around the protection of people's personal information. You are going to say, 'Well, the government will not be supporting this amendment because - '.

Mr FERGUSON - The Government will not be supporting this amendment because we have canvassed this earlier. Obviously, privacy and personal information is vitally important; on that we can agree. The bill has been drafted on the guidance of Treasury and the Commission to make sure the highest necessary standards will apply.

The existing clause, before it is amended, is about ensuring that we do have gaming equipment-related standards set by the commission, including those and the requirement for licence holders to comply with the necessary standards. Importantly, the amendment that is proposed overlooks that existing standards enforceable by the commission will be reviewed and approved or re-approved under the new provisions as required -without the amendment.

I understand what Ms O'Connor's amendment seeks to do, but to restate what I said yesterday, as I recall - Personal Information Protection Act 2004 requirements apply to all licence holders and, therefore, it is not appropriate for the Commission to establish separate standards again in relation to the protection of personal information. The bill relies on the strength and the integrity of the PIP Act, but it goes a step further.

While leaning on the PIP Act as a requirement for licence holders, it also has that very large penalty provision established in the existing bill. I thank you, Ms O'Connor, for your amendment and your comments but the Government will not be supporting this amendment.

Amendments negatived.

Clause 129 agreed to.

Clauses 130 to 135 agreed to.

Clause 136 -
Section 121 repealed

Ms JOHNSTON - I am baffled by clause 136, section 121 repealed. It simply says, 'section 121 of the Principal Act is repealed'. Section 121 of the principal act:

> Venue operators must erect warning notices.

I cannot for the life of me figure out what is wrong with warning notices. The principal act says:

> (1) A venue operator must cause a notice, in a form approved by the Commission, to be erected at a prominent position at each entrance to each restricted gaming area at an approved venue and to be displayed prominently on each gaming machine.

It then goes on to talk about what the notice must state. There is a penalty if they do not do that of 100 penalty units. This really is the icing on the cake in terms of the callous regard for the harm that poker machines cause. To remove a provision in the principal act that requires warning signs to be erected notifying patrons of the harm that poker machines cause is just gobsmacking.

We put notices on cigarette packaging, all that kind of thing because we know that they are harmful but this clause would remove warning notices. My question to the minister is why on earth would you do that?

Ms O'CONNOR - While the minister is seeking to find the language to justify this unjustifiable manoeuvre, this is another one of those situations where a measure in the act that has a protective capacity around it, particularly in relation to children, is being removed from the legislation. We are being told with a bit of a pat on the head that it will be in regulation, do not worry about it.

It is really important to remind the House that the Tasmanian Hospitality Association has called for deregulation. They have such a return on the industry's investment in this legislation. The level of deregulation is quite staggering. This particular amendment is impossible to justify. Where did this come from? Why? Why would you take this out of the legislation? Is this a recommendation? What is the Liquor and Gaming Commission's position on this? Do they think it is a good idea?

Perhaps the minister could confirm that any regulations that will be drafted will require warning signs in the same language or to the same effect that this clause in the Gaming Control Act contains. Is it your intention that the regulations would contain this requirement for warning signs outside venues?

Mr FERGUSON - I think people are looking for cake and looking for icing. There is no cake; there is no icing. This is consistent with the commission's own advice to government. The provisions in the act that are too prescriptive are better located in a different piece of law, in the regulations.

In determining what changes to the Gaming Control Act would be needed to best accommodate the future gaming market arrangements, the Government sought the views of the Tasmanian Liquor and Gaming Commission, the independent body responsible for administering the act.

It was the commission's advice to the Government, through Treasury, that the act was highly detailed and prescriptive. It did not provide sufficient flexibility to effectively adjust the changes in the future environment and that changing the act provided a rare opportunity to contemporise and streamline the legislative framework.

Key to this, in the commission's view was amending the focus of the act - and I have said this already in previous clauses - to high-level outcomes and principles with procedural and machinery requirements and regulations. You are snooping around looking for a devil in the detail here but you are barking up the wrong tree.

I can confirm the last part of Ms O'Connor's question. Yes, you will see regulations very much in the nature of the redundant section 121. We still intend to have those warning messages on machines and in venues. They are necessary. You will see that the commission itself will be principally drafting the policy that goes into them. Then, in terms of how government works, OPC will draft them and they will be brought before the parliament.

Ms O'Connor - When?

Mr FERGUSON -When is a different question. I will take advice on that.

I will settle the score once and for all on this. The conspiracy theories I have detected in your earlier statements are entirely wrong and ought not to be repeated because they are just not right. As to timing of the regulations, allow me to take advice.

Further to Ms O'Connor's question around timing, I remind the committee that this particular section does not commence until 1 July 2023. That is when that part of the bill would commence. I am advised that the regulations would be no more than a 12-month exercise between now and the end of 2022, well in advance of the redundant provision being repealed.

Ms O'CONNOR - Can you confirm, minister, that the regulatory package that accompanies this legislation is 12 months away? The harm-minimisation measures, other protective measures, like having warning signs outside venues, those other components which have been removed from the legislation; are you saying that all of that is 12 months away?

Mr Ferguson - You are asking about all of the regulations?

Ms O'CONNOR - You were fairly non-specific when you were again chiding us for displeasing you.

Mr Ferguson - Setting your conspiracy theories aside, yes.

Ms O'CONNOR - You can hardly blame us for our cynicism, given the history of the gambling industry - I am looking at you too, Ms Ogilvie - and major party politicians in this state. Our cynicism is well justified because in this legislation the policy that underpins it and Labor's position, the public interest has taken a back seat. Yes, we are cynical. Yes, we do not

trust you on this legislation. We do not trust any of you on this legislation, with the exception of Ms Johnston. There is a lack of trust because of the history and the fact that this legislation might as well have been drafted by the Tasmanian Hospitality Association.

Ms Johnston - It probably was.

Ms O'CONNOR - Thank you, Ms Johnston.

Mr Winter - I do not believe that the Liquor and Gaming Commission provide the advice. The minister told us that the advice is provided -

Ms O'CONNOR - Sorry, I was explaining why we are untrusting in this debate. We are untrusting of the minister, and indeed your own party because of the history of betraying the public interest. I think that lack of trust is completely justified. You might have an answer now, minister?

Mr Ferguson - No, my answer is the same as earlier. That is the work of the Liquor and Gaming Commission and the section in the Department of the Treasury and Finance that would manage that. They are working hard. It is expected that body of work for regulations will come through over the next 12 months before this clause is repealed.

Ms O'CONNOR - Okay. While I am on my feet, because as you know I only get two cracks at a clause, now I understand it is going to take around 12 months for the regulations to be presented to the parliament. On harm minimisation, for example, who will you or the commission be consulting in order to develop those harm minimisation regulations, not that there is any effective harm minimisation permitted for in the bill.

Mr Ferguson - Are you referring to my direction that was proposed?

Ms O'CONNOR - No, there is one direction on harm minimisation that now we supported an amendment to enable, it only provides for the potential for facial recognition and pre-commitment cards and, what was the other one?

Mr Ferguson - Card-based play and pre-commitment.

Ms O'CONNOR - Card-based play and pre-commitment. That is the only harm minimisation measures we can see that the majority of the members of this house support in the full knowledge they are not enough. There will be no harm minimisation measures in any regulation, will there?

Mr Ferguson - Well, it is a mandatory code, that is the regulation. It is not a capital R regulation but it is empowered by the law and it has the full force of the law and is policed by the Commission which authors it.

Ms JOHNSTON - As a matter of clarification, can the minister please confirm if the TLGC recommended removing this clause?

Mr FERGUSON - I have already answered the question. I am not going to verbal the Commission on this particular clause. I have been very careful to advise, as I have been advised, the Commission's advice to Government goes right through the bill about taking out

sections of the act which are locked in legislation, but are overly prescriptive and I include this clause in that as consistent with that advice.

Ms Johnston - They specifically asked this clause be removed.

Mr FERGUSON - Because it does not provide sufficient flexibility to be able to change over time and as you ought to know, regulations is where you would normally place that kind of machinery of law. Procedural requirements go in regulation. It is not remarkable. It is very normal. I will ask my advisers if the Commission specifically called for this section 121 to be specifically repealed. I am doubtful if I will get that advice tonight, but it does not change my answer before now.

Chair, further to my answer, I stand by my answer. The commission furthermore was given a copy of the bill before it was finalised and did not raise any concerns.

Ms Johnston - They did not ask specifically.

Mr FERGUSON - No, I know what you are going to do. You do this all the time. You run off and make a Facebook time now.

Ms Johnston - I just asked a simple question. Did they specifically ask? You've said -

Mr FERGUSON - I have been very direct on this. The commission has asked for prescriptive parts of the act to be moved into regulation, Ms Johnston. I cannot be clearer than that. You have tried to lock me down to a particular sentence in the bill, a particular paragraph, and I have sought the advice. The advice is as I have given, so you can play your games and I know what you going to do next because I saw you coming, but the Commission are supportive of this bill in this respect.

Mr DEPUTY CHAIR - The question is that clause 136 as read stand part of the bill.

The Committee divided -

AYES 12	**NOES 12**
Ms Archer	Dr Broad
Mr Barnett	Ms Butler
Ms Courtney	Ms Dow
Mr Ferguson	Ms Finlay
Mr Gutwein	Ms Haddad
Mr Jaensch	Ms Johnston
Ms Ogilvie	Mr O'Byrne
Mrs Petrusma	Ms O'Byrne
Mr Rockliff	Ms O'Connor
Mr Shelton	Ms White
Mr Street (Teller)	Mr Winter
Mr Tucker	Dr Woodruff (Teller)

Mr DEPUTY CHAIR - There being 12 Ayes and 12 Noes, in accordance with Standing Order 257, I cast my vote with the Ayes.

Clause 136 agreed to.

Clause 137 agreed to.

Clause 138 -
Section 127 amended (Minister may give Commission directions)

Ms O'CONNOR - This one is somewhat of a surprise because we have heard the minister say, the commissioner, the independent experts, and that he is not the expert. However, this clause amends section 127, so it is the power of the minister to give directions to the commission. It says here in the principal act -

> (1) The Minister may give to the Commission any direction that the Minister considers to be necessary or desirable with respect to the performance or exercise by the Commission of its functions or powers under this Act or any other Act other than the Liquor Licensing Act 1990 .
>
> (2) The Commission is not bound by a direction given under subsection (1) unless the direction is in writing and signed by the Minister.
>
> (3) The power conferred on the Minister by subsection (1) must not be exercised so as -
>
> (a) to require the Commission to do anything that it is not empowered to do by this Act or any other Act; or
>
> (b) to prevent the Commission from performing any function that it is expressly required by this Act or any other Act to perform, whether conditionally or unconditionally; or
>
> (c) to interfere with the formation by the Commission of any opinion or belief in relation to any matter that is to be determined as a prerequisite to the performance or exercise by the Commission of any of its functions or powers under this Act or any other Act.

This is basically saying that the minister cannot direct the Liquor and Gaming Commission to do anything unlawful, but the last part of the principle act 'cannot provide a direction that interferes with the formation by the Commission of any opinion or belief in relation to any matter that is to be determined as a prerequisite under this act or any other act'.

Notwithstanding what two parliaments now, I presume it was two. There is an amendment to this section in 2015. What parliament had decided in its wisdom when it passed the Gaming Control Act - and I use that term quite loosely, because the Greens did not support it at the time - is that that should be the confined extent of the minister's powers.

What the minister is giving himself here again, it is another power grab by this minister, who has already grabbed the power to go out to tender on the network licensing model, and has

already taken away the power of the parliament to have a say in the granting of a casino licence. This one gives the minister the power to give a direction to the commission with respect to the endorsement of gaming machine authorities on venue licences by the commission if such a direction is in the community interest.

That is a terrible piece of law. That is badly drafted. Who decides whether the direction is in the community interest, the commission or the minister? This is very loose wording and perhaps they are looking for cake and icing too. Perhaps the minister accuses us of being conspiracy theorists again.

Let me put a scenario to you. A venue operator seeks the commission's approval for an expansion in the number of machines that it can have and gaming machine authorities or machines; the commission decides not to approve the increase in machines, but the minister could come in on behalf of the Liberal Party's donors and say to the commission, you will grant those gaming machine authorities to that venue operator, completely subverting the independence and the expertise of the Tasmanian Liquor and Gaming Commission.

The first question in relation to this proposed amendment, is why? Was this recommended by the Tasmanian Liquor and Gaming Commission? I will bet not. This is a very substantial extension of the minister's powers over which venues get gaming machine authorities and therefore, licences to print money. Why on earth would this parliament allow that other than that it is what the industry wants?

This has the potential for some very improper conduct on the part of a minister of the day, particularly potentially a minister who has been elected in part as a result of donations from the gambling industry. That is certainly what we have here.

None of this was mentioned in the second reading speech. None of this was taken to the people of Tasmania in either 2018 or 2019. At no point did the Premier, Treasurer or minister for Finance say to the Tasmanian people in a Future Gaming Market's policy framework that we put forward the minister will be able to direct the Commission in relation to gaming machine authorities. Why? And does the minister recognise that this undermines the independence and the expertise of the Liquor and Gaming Commission?

Mr FERGUSON - Thanks, Ms O'Connor. Sorry, no cake, no icing again. Yes, it is another conspiracy of yours. You missed the earlier one.

Ms O'Connor - Labor chortling away over there at your joke. It is so cute the way you two love each other up.

Mr FERGUSON - It is okay at times to have a bit of levity. We ought not to differ on this clause. I have good news for you.

The industry did not write this for us. Your claims on donors are irrelevant. Under the future model, the commission will have the power to make a determination with regard to the allocation of EGM authorities. Imagine a scenario where, for example, on 1 July 2023 or a later date there is surplus or unallocated EGM authorities which are available which have not been taken up to the new cap. Regulations will be established that provide for the commission to institute a process for determining the suitability between two or more applicants for EGM authorities. That is the scenario that this provision has been written about.

Ms O'Connor - Sorry, you did not explain why it is necessary for the minister to have to intervene.

Mr FERGUSON - I am about to tell you more if you have a care to listen. This is an opportunity for the minister to be restrictive on the allocation of those EGMs.

Ms O'Connor - Oh, that is what will happen, is it?

Mr FERGUSON - You can be as cynical as you like and you are losing all of your usual charms, Ms O'Connor. You can be nice when you try.

If it is in the best of the community, the minister would have the power to issue a direction to the commission in relation to the future issuing of EGM authorities. I have been given an example, this may include a direction to not issue EGM authorities, for example, in low socio-economic areas or to not allow surplus EGM authorities to be issued; so if you would like to vote against that clause, knock yourself out.

Ms JOHNSTON - I also have concerns about this particular clause. This will come as no surprise, I am sure, to members of the House.

My questions are quite simple: minister, did the commission recommend this particular change? I do not want to put words in your mouth, but are you saying that you are exercising your discretion; your powers in this particular provision will only be exercised to restrict rather than allow further EGM licences?

Mr FERGUSON - I am not any longer going to take questions on whether the commission asked for a particular sentence in the bill because of your cat and mouse game. I will give you my same answer and I will stick to it. The commission has asked for the changes -

Dr Woodruff - Why not? Why are you touchy about this? It is totally reasonable.

Mr FERGUSON - Because I am not interested in political games any longer. I have stated very clearly that the commission has asked for a range of powers to be moved from the act into regulations so that there is more adaptability and flexibility as their needs change. It is a very slow process for those changes to be reflected in outdated legislation and it is much better for the commission to be able to have improvements, changes, for example, for advertising or other matters that need to be dealt with, like warning messages, to be able to be reflected in regulation. That is the way the law works best.

That is my advice: that it is the opportunity for the way in which those surplus arrangements can be settled. I have already discussed how the regulations will be established when there are two or more applicants for EGM authorities. That is my advice.

Ms O'CONNOR - Can you confirm, minister, given first of all there is no definition of what the community interest is, also, in previous amendments in the legislation, a licence can be called for, from recollection, if it is believed it is in the community interest to do so? There are different applications of what the community interest might be in this amendment bill. In one part of the bill it is put forward that it could be in the community interest for you to go out to licence or tender on something.

Do you understand the concern here that while you have painted a hypothetical scenario, which is a minister acting to restrict the number of gaming machine authorities -

Mr Ferguson - Or where they can and cannot go.

Ms O'CONNOR - That is right. Equally, there is nothing preventing the minister of the day from directing the commission in the opposite direction by misapplying, if you like, an understanding of what the community interest is. I am a bit surprised that you think this is all kosher, because it is not. There is no definition of community interest.

Mr Ferguson - At that point you will have to vote against it then.

Ms O'CONNOR - Do you agree?

Mr Ferguson - I have provided the answer. I am not adding to it. That is the answer, that is the advice I am provided, and I am satisfied that I have given you a wholesome answer.

Ms O'CONNOR - You have given me a wholesome answer?

Mr Ferguson - Correct.

Ms O'CONNOR - That is interesting.

Dr Woodruff - What does that mean? Nutritious and healthy?

Ms O'CONNOR - That is an interesting term - a wholesome -

Mr Ferguson - Wholesome and fulsome.

Ms O'CONNOR - No, fulsome is often misused.

Mr Ferguson - And wholesale.

Ms O'CONNOR - Fulsome means insincere.

Mr Ferguson - Come on. You are wasting people's time.

Ms O'CONNOR - No. You are wasting time because you have refused to answer. You have foreshadowed that you will not answer a question you have not heard, for starters. I was just about to sit down but I actually have eight minutes more on the clock.

Mr Ferguson - You are wasting time.

Ms O'CONNOR - No, I am not. I want you to answer a question about whether or not the hypothetical scenario you painted could be applied by a different minister of the Crown, if you like, on another day to an adverse effect. That is, it could be misapplied against the community interest because the language in this provision is really flabby.

Do you agree that there is capacity in this clause for it to be misapplied against the public interest? Capacity for the minister of the day to direct the commission, in relation to gaming

machine authorities, that potentially increases EGMs in a particular venue or in a particular location, because that is my reading of this clause.

Mr FERGUSON - Again, Ms O'Connor, the answer is as I have stated. My advisers have carefully thought through your question and have just said to me that they cannot think of a circumstance where a direction of that nature would be adverse to the community. That is the answer to the question.

It is there as a way, potentially, to disallow unallocated EGM authorities to be applied or potentially to restrict them to be. For example, a minister could direct that no further EGMs be provided or a lesser number of EGM authorities be provided in a particular community of a level of social-economic status.

I have also been advised that any directions that the minister might make to the commission are gazetted, publicly available, scrutinised, and the advisers supporting me are unable to think of a circumstance that would fit with your conspiratorial beliefs.

Ms O'CONNOR - There is nothing in this amendment that prevents an adverse community outcome on harm minimisation.

Mr CHAIR - The question is that the clause as read stand part of the bill.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis (Teller)	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Tucker	
Ms White	
Mr Winter	

Clause 138 agreed to.

Clauses 139 to 151 agreed to.

Clause 152 -
Section 144 amended (Returns to players)

Mr WINTER - Thanks, Chair. I move -

Page 198, after paragraph (b).

Insert the following paragraph:

"(c) by omitting from subsection (2) "85%" and substituting "90%"."

The reason we moved this amendment is fairly self-evident. Return to player is, for those who are not aware, the percentage of which, on average, a player should expect to get back for every dollar you put into a machine. The lowest level, under the legislation, is that you should expect to receive on average 85 per cent. This increases the return to player to 90 per cent. The reason we are suggesting this change is as a harm-minimisation measure. With the machines set at a higher return of 90 per cent, rather than 85 per cent, the return to player would be higher and therefore the harm would be less than it otherwise would have been.

As part of the consultation on this broader matter, we talked about return to player quite a bit, and that was one of the suggestions put up in quite a few submissions. I could not find any written evidence to support this but the recurring theme is that some of the older machines have a lower return to player ratio than the newer machines. They are more likely to have that lower rate, around 85 per cent return to player, as opposed to the newer machines that are either set at a higher rate, or can be set at a higher rate. This is a measure that we felt could provide a better return to player to users of the machines.

I will ask the same question as I did in the briefing, to put it on the record. I thank the Treasury officials for that briefing as part of the preparation for the bill. What is the current rate of return to player? I know what the legislated minimum is but what is the understanding of what the actual return to player rate is at the moment?

Mr FERGUSON - I would have thought you should know that before you moved your amendment.

Mr Winter - I do know the answer. I have asked the question to put it on the record, minister. I am sure it will be the same.

Mr FERGUSON - It is an interesting question you have asked me, Mr Winter, because I would have thought an Opposition would want to know that information before it moved an amendment.

Mr Winter - I said in my contribution that I asked the question in the briefing. I wanted you to put it on the record.

Mr FERGUSON - Yes, but you have confidently gone ahead with 90 per cent for your amendment. I can provide some insight into the level of knowledge and information around what the commission has access to. I believe I can confidently say the commission has access

to every one of the machines to check what the return-to-player game is that is configured on an individual machine. It is not collected in a way that I could instantly get a report that tells me the range for every one of the machines in Tasmania, and then present it to you; and I do not have access to it tonight.

I have been advised that an estimated 450 machines - and I understand that excludes casinos - in hotels and clubs are doing return-to-player rates below 90. It is limited data for you but it is an insight.

Mr Winter - Four hundred and fifty are doing return -

Mr FERGUSON - Return-to-player below 90 per cent. Of the machines in hotels and clubs.

Mr Winter - So, of all the machines in circulation, 450 are doing below 90.

Mr FERGUSON - Correct.

Mr Winter - And the rest are doing above 90?

Mr FERGUSON - In hotels and clubs. That figure does not capture any machines that are configured return-to-player rates below 90 per cent in casinos.

Mr Winter - Just for the pubs and clubs?

Mr FERGUSON - Yes, that is right. It is a limited insight for the purposes of tonight's debate. I am not sure how useful that is to you to know. Return-to-player rates are relevant for players - and different people have different points of view on this. I do not subscribe to the view, by the way, but I have heard it said by one individual that the higher the return-to-player rate, the more attractive a game may seem to a player.

I am not sure I am convinced by that; but it was an interesting perspective that with a return-to-player machine with a nine in front of it, a player might think that is more lucky than the 89 per cent machine - even though with both of them, if you continue to sit there, you are going to lose money, statistically.

I am interested in the matter and I can advise that I am not sure of the impact of increasing the minimum return to player from all EGMs, in casinos, hotels and clubs from 85 per cent to 90 per cent, which your amendment would do. I am not sure that the impact of that change, as to the viability of the industry; the impact on the way that businesses would then have to reconfigure machines. I do not have that information. I do not know that it is possible -

Mr Winter - I was quite happy with your answer, the 450 answer was good.

Mr FERGUSON - Yes, but I am not sure that I have a clear assessment of what the impact of 90 per cent would do in terms of what a venue would then have to do. Can they just change the code? Can they flick a switch inside the machine? Can they code up a different game? If they change the game, do they have to change the livery on the machine? I do not know the answer to that question.

Ms O'Connor - I thought you were the expert.

Mr FERGUSON - Ms O'Connor, no. My advice is that, because it has not been modelled, it is not a quick task to undertake. It is of interest that the majority of Australian jurisdictions do apply the 85 per cent minimum, which applies in Tasmania. That is a minimum above which any game may operate, and below which no game can operate.

While a number of games in Tasmania operate with a 90 per cent return-to-player, it is not known how many games would require the addition of this option to their coding. As you may know, because you have been speaking to industry, coding is a relevant factor when you are looking at a small jurisdiction, and different policy changes that apply here but do not apply in the bigger mainland states.

I am advised that if a return-to-player is to be increased, a more reasonable increase would be to 87 per cent as in the ACT and Victorian casinos, the larger jurisdictions, as they are already an established option within existing games as it applies in one other jurisdiction. The Government would not be prepared to agree to 90 per cent, as seductive as it may seem.

You do not know, nor do I know the impact that that would have in industry. It has not been assessed. The impact has not been questioned nor modelled and it is not a quick task to undertake so the Government will not be agreeing to this. However, the Government would be prepared to move on this. We believe that given that there are a large number of games and machines that are in operation in the next biggest state, Victoria, at least as you look at the ratios, 87 per cent as applies in Victoria, we are confident and prepared to go that far because in the absence of further modelling we would not be prepared to move further.

Mr WINTER - Is the Government saying that it is prepared to support an amendment to go to 87 per cent?

Mr Ferguson - Yes. Mr Winter, I will donate that to you. You are welcome to use it, it is in my name. You would have to first withdraw your own. We are not prepared to support your amendment.

Mr WINTER - This is already pre-prepared and you want me to move it?

Mr Ferguson - No. I am going to move it.

Mr WINTER - That is fine.

Mr Ferguson - You can move your own amendment but we are not supporting it.

Mr WINTER - We have moved the 90 per cent. I am a bit in shock that you have an amendment pre-prepared, minister.

Mr Ferguson - Right. Well, I have.

Mr WINTER - I am interested to hear from others if they want to debate on the 90 per cent.

Ms O'Connor - We are happy to have a debate on that. Although we have some issues with enticements to keep people at machines for longer, we may well support it but we do not see this as a harm-minimisation measure because it is not.

Mr WINTER - I seek leave to withdraw the amendment.

Leave granted.

Amendment withdrawn.

Mr FERGUSON - Mr Chair, I move the Government amendment; technically it comprises two amendments,

First amendment

Page 198, paragraph (b),

Leave out "'special'."

Insert instead "'special';"

Second amendment

Page 198, after paragraph (b),

Insert the following paragraph:

(c) by omitting from subsection (2) "85%" and substituting "87%'.

I move that as a group of two. Just to restate: my advice is that it is a sustainable move. Because of the prevalence of that rate in the ACT and Victorian casinos, we believe from an industry impact point of view, it would not create a significant new impost, noting that for some of those machines it will require recoding but in the absence, as I said earlier, of that broader industry consultation to know what the impact would be, we are not prepared to go to a different number.

Ms O'CONNOR - As I said to Mr Winter, who would begrudge a gambler a little bit more of their money? There is a research report here from the New South Wales government from November 2019. Understandably, it is quite narrow in its focus. It raises some questions about the potential for higher returns to player potentially to be linked to higher betting. Because it only looks at return to player in isolation, I am not certain about the evidence here.

It is interesting that now the minister is prepared to move to an 87 cent in the dollar return to player. He stated that his advice is that it is a sustainable move. This only means it is sustainable for industry, just so we are clear about that.

Given that it was stated earlier by the minister that he did not know what impact Mr Winter's amendment would have on the industry and its viability - I am paraphrasing you - at 90 per cent, no-one here is talking about the viability of gambling addiction and how this legislation will make some people's lives literally unviable.

Venues can already get machines that have a 90 per cent return to player. I would not have thought it would have been such a massive impost on industry for this to be enabled. We will not oppose the amendment to the amendment.

Ms JOHNSTON - I will not be opposing the amendment either but I note that it was interesting in the minister's contribution earlier. He referred to it the 'unknown' what the impact would be on venues would in terms of having to reprogram the machines, but then be prepared to accept a change to 87 per cent.

If it is not possible to reprogram for 90 per cent, I am confused as to why it is okay at 87 per cent. That will still involve a reprogramming of some machines. I think minister you were suggesting that there were approximately 450 machines. I note as Ms O'Connor and Mr Winter have, that there are already machines operating at 90 per cent at the moment. I am a little confused. If we are going to take that leap of faith to 87 per cent, why on earth could we not take that to 90 per cent when we already have machines operating at that? Clearly, they are viable, because the poker machine industry is still making a bucket load at 90 per cent.

Mr FERGUSON - The member is overlooking the fact that I do not know what range of games are available to industry at those rates. I know that games are available to industry at 87 -

Ms Johnston - And 90.

Mr FERGUSON - I do not know the range of games that are available at higher numbers. I do not think any of us do. But I know that at 87 per cent, industry would be able still to select games for their businesses. It is unfortunate that when the House is being asked to agree to a different number, they need to be careful if we are shooting ahead and getting the feel-good factor that we are shooting ahead to higher numbers. Nobody knows what the impact of that would be on venues.

While people are quick to criticise the venues in the industry at every opportunity in this debate, the simple fact is that it is a legal pastime. They are a heavily regulated industry but one of the things that industry does do, is choose their games. I do not know what the coding and what the range of games is at different percentage rates higher than 87 per cent. I do know that two large jurisdictions have them at 87 per cent. For that reason, the Government is comfortable on the advice that at 87 per cent it does not present a significant issue because we know the range of games will be there.

Amendment agreed to.

Clause 152 as amended agreed to.

Clauses 153 to 158 agreed to.

Clause 159 -
Sections 150AH, 150AI, 150AJ and 150AK inserted

Ms O'CONNOR - Mr Chair, I move -

That clause 159, proposed new section 150AI, subsection (4)

Leave out "equivalent to 10.91%".

Insert instead "equivalent to 30%".

I move the second amendment to this clause -

Proposed new section 150AI, subsection (5).

Leave out the subsection.

This is where you can see the sweet deal embodied in this clause in the legislation because it gives to the Federal Group a more than half cut to their casino pokies tax rate with no justification whatsoever. It is one of the most putrid parts of this Government's approach to gaming policy that they did not have the courage to tell the people of Tasmania at this year's state election that they had already negotiated with Federal Group a 10.91 cents in the dollar tax rate. They knew it and we know they knew it because of a Right to Information request that was made by the independent member for Nelson, Meg Webb, which shows that last December correspondence was going back and forth between the Treasurer and the Federal Group around the tax rate. Five months later, it was early December from memory, Tasmanians go to an election. We rolled out in the first two or three days of the campaign and said the Premier needs to tell the people of Tasmania what casino pokies tax rate he has negotiated with the Federal Group because it will mean the difference between hundreds of millions of dollars going into hospitals, schools and housing and community services or not.

Never once during the campaign was there a straight answer from the Premier-Treasurer or his finance minister. We were literally subject to gaslighting, as was every Tasmanian, for example, who listened to the Leon Compton interview with the Premier who said effectively, I am paraphrasing:

> Leon, all that information is on the public record. We have made our position perfectly clear. This went to the 2018 State Election.

In short, what he was saying was: 'nothing to see here'.

There is plenty to see here. What we see here is that the Federal Group was gifted a massive tax cut for no reason whatsoever. None at all. They have gone from 25 cents on pokies in casinos to basically 11 cents, more than halved their tax rate and it is fixed. It is not even on earnings. I just want to go back to what Peter Hoult said about this.

Leon asked him on the show on the 18 October:

> Peter, a final question on another matter allied to this, do you understand the Premier's rationale for cutting casino tax rates on poker machines from over 20 per cent down to, what, 10.9 per cent, which is the tax rate proposed?

And here is Peter Hoult with gleaming cold truth: Well, there is no rationale. It's just a decision taken that for some reason we've decided that we would look at the Townsville Casino and say we will have the same rate as the Townsville Casino'.

We do not when we are setting rates for stamp duty or we are setting rates for council rates. We do not look at north Queensland and decide what their tax rate is and it is hardly as if any of the punters from Tasmania are going to say: 'I don't like your tax rate, I'm going to go to Townsville to gamble', is just a nonsense.

The other thing you should know is the more recent owners of the Townsville Casino got that rate on the back of an agreement to invest. I think it is over $100 million in tourist-based activity and improvement of the hotel infrastructure of the Townsville Casino.

We all know Federal's track record of investing in Tasmania to get extensions of their gaming licence. It is not brilliant. No, there is no rationale. It is just a decision taken and one that I take that the Government agreed with Federal and everybody was happy with it. There is no rationale to it. James Boyce says:

> The Liberal's election policy did not decide on a tax for casino poker machines -

This is the 2018 policy.

> - but agreed that the industry proposal that they be differentiated and strongly implied that they will be set lower than those applying to hotels.
>
> The election policy states, 'Casino pokie machine taxes will be benchmarked against comparable casino operations interstate to ensure that the returns are competitive and fair for the community, players and the casino operator.'
>
> This represents another abandonment of the original Hodgman Liberal Government post-2023 gaming structural framework which stated that, 'The tax rates and license fees for casino gaming,'….

That is table gaming and EGMs:

> 'And Keno are to be reviewed against the broader Australian market.'

Well, that was dropped pretty quickly, wasn't it, Chair? No longer were those casino taxes to be reviewed against the broader Australian market which would have seen them increase. Instead of moving to increase casino pokie's taxes under their original policy framework, the Liberal election policy was now moving to reduce them. The Uniting Church of Tasmania talking about casino pokies tax rates:

> The Synod opposes the massive tax break being provided on EGMs in the casinos, almost halving the tax that will be collected on these machines.

The Synod sees this for exactly what it is. The religious Society of Friends, Quakers, in Australia:

> The proposed flat rate of tax for 20 years will give venues with higher EGM turnovers a much larger share of gambling returns. We cannot think of any other business that is not taxed on what it earns. The potential for super

profits is just a hand out to businesses and we are not aware of any evidence to suggest that these super profits will be invested in the local community.

The people of Tasmania who have been blighted with this legislation and the harm that it will inflict are at the very least entitled to get some return on it.

You know, this legislation is robbing people. It is taking money out of people's pockets, it is robbing children of a happy childhood quite often, it is robbing people of their assets and now through this dodgy, corrupt tax rate, and it is corrupt, the people of Tasmania are being robbed of tens of millions of dollars in revenue. Tens of millions. In fact, because this will go on for so long, who knows exactly how much this legislation is ripping off the Tasmanian people? Our amendment is in line with community expectations and more importantly in some ways, it is in line with decency and integrity. It is doing the right thing. If you are going to inflict poker machines in pubs and clubs on Tasmanians forever, at least give the people of Tasmania a half decent return. The only return we are talking about here is the gambling industry's return on its investment in the Liberal Party in 2018 and its return on its investment in the Labor Party this year after they brought them to heel.

Mr FERGUSON - First of all, Chair, Ms O'Connor has again embarked on her uncharitable, it would be fair to say, and undisciplined rant against members of this House. And again -

Ms O'Connor - It is hard to be charitable when we are actually talking about institutional corruption. I do not feel that that's a cute subject. It is institutional corruption.

Mr FERGUSON - Yes, there it is. There you go. You did it again. You see, you have been conducting yourself throughout this debate in the same way and now you are seeking to intervene in the tax rates that have been benchmarked and you have failed in your summary in your contribution just now, you have utterly failed to acknowledge that Federal Group, as a result of the total collection of fees and taxes, are $20 million a year worse off. Before you get out your violin it is simply a statement of fact.

Ms O'Connor - So you say.

Mr FERGUSON - It is a fact that you are never able to acknowledge. You have shown that you are unable to acknowledge that Federal Group are worse off because in all of your public utterances you have talked about the windfall for Federal.

Ms O'Connor - There is a windfall for Federal through the venues that they own. Of course there is a windfall for Federal Group.

Dr Woodruff - We are just repeating what so many other people have said: John Lawrence, James Boyce.

Mr FERGUSON - I thought for a moment - you are wasting time, your language is undisciplined and -

Dr Woodruff - Do not call facts undisciplined.

Ms O'Connor - You are not a school teacher anymore.

Dr Woodruff - Do not tell us what we can say in this place. You are the master of gaslighting.

Mr FERGUSON - I actually think it is unparliamentary as well. It is unparliamentary, and were it in reverse I am pretty confident there would be a snowflake standing to call for that to be withdrawn.

The Government is not going to spend this debate in a trading match on what tax rates the Greens think should apply to an industry they do not even support at all, in any respect, expect for high rollers for their friends. That is on the record, but it is descending.

Bill to be Declared Urgent

[10.20 p.m.]

Mr Chair, I declare the Gaming Control Amendment (Future Gaming Market) Bill to be an urgent bill.

Mr CHAIR - The question is that the bill be declared urgent.

The Committee divided -

AYES 12	NOES 12
Ms Archer	Dr Broad
Mr Barnett	Ms Butler (Teller)
Ms Courtney	Ms Dow
Mr Ellis	Ms Finlay
Mr Ferguson	Ms Haddad
Mr Gutwein	Ms Johnston
Mr Jaensch	Mr O'Byrne
Ms Ogilvie (Teller)	Ms O'Byrne
Mrs Petrusma	Ms O'Connor
Mr Rockliff	Ms White
Mr Shelton	Mr Winter
Mr Tucker	Dr Woodruff

Mr CHAIR - The result of the division is Ayes 12, Noes 12. Therefore, in accordance with Standing Order 257 I cast my vote with the Ayes.

Motion agreed to.

Mr FERGUSON - Mr Chair, I move -

That all remaining stages of the bill be completed by 11.26 p.m. today.

The non-Government speakers, especially the Greens and the Independent member, have continued to restate the same points and the same mistruths about what this bill is all about and what this bill is achieving. It has been very clear throughout the course of this debate that the

Greens and the independent member are working together as a group to frustrate the progress of this bill through this place.

Well might Ms O'Connor say she has dropped a range of amendments but it does not change the fact that after more than 20 hours of debate we are only up to clause 156. They have slowed this thing down as much as they can, tag teamed with long speeches and insisted on divisions time and again, all of which is their right, but they have failed to manage their time. It has been an extensive debate. The matter is urgent. The bill is important and the bill does need to be passed. It does need to be sent to the Legislative Council -

Dr Woodruff - We will sit for another hour. We will finish the amendments. That is all it will take.

Mr FERGUSON - It needs to get moving so that the tender process for the LMO can commence and the bill be implemented. What the three members of this House have been trying to do throughout this time is to slow it down as much as they can and to stop the business of the House on other days, which we are not prepared to do. They may well have strong views on this bill but, despite what they say, calling a division after every clause when it is clear that it has been lost on the voices, has been unnecessary and it adds no additional scrutiny to the bill. There is no value in the House sitting late into the morning tomorrow and next week simply to hear the same speeches again being delivered by those members on the crossbench.

Mr Chair, by 11.26 p.m. tonight, the House will have debated this bill for well over 23 hours and it is very clear that the Greens and the Independent have no intention other than to frustrate and to prolong this debate with no sense of concern for other members of this House or the staff.

Members have been given plenty of time to scrutinise this bill. The Government has been very patient, indeed so has the Opposition, perhaps in some cases more so with the insults you have been peppering around the place but, nonetheless, to allow you to do your work as three non-government, non-opposition members but it does not change the fact -

Ms O'Connor - How dare we be in here.

Mr FERGUSON - It does not change the fact that you have wasted so much time. You have failed to respect other members. The bill is urgent and it is justified and reasonable and we will be voting on this bill at 11.26 p.m. tonight.

Mr WINTER - Labor opposes this. We are prepared to stay here for as long as it takes to debate the bill and hear more amendments if they come and continue to debate the clauses. In the interests of allowing more time in the likely event that this passes, I will keep my contribution short.

Ms O'CONNOR - That is a disgraceful manoevure on the part of the minister. He just stood up here and completely misrepresented what Dr Woodruff, Ms Johnston and I have sought to do. We are in here representing the community interest, that aspect that is not defined in the legislation. We are here representing community sector organisations who have not been heard in the development of this legislation.

We are here representing the Tasmanian people who overwhelmingly do not want poker machines in pubs and clubs and you should debate a bill like this for as long as it takes. You absolutely should. It is noteworthy - noteworthy - that the minister pulls the gag as soon as we get to the casino pokies tax rate and to any discussion on future distribution of the Community Support Levy because this is where the institutional corruption in this legislation just reeks out of the pages.

Ms JOHNSTON - I completely reject the assertions of the minister that I have been in this House wasting time. I was elected to this place on 1 May to represent my community, just like the minister was. I am here to represent their voice, to speak on their behalf, in particular to speak for those who do not have a voice. There are vulnerable people in our community who are harmed by poker machines. To suggest that by going through this bill clause by clause, as is our responsibility in this place, is wasting time is abhorrent, is disgusting. It is our job and our duty to represent the people and to properly scrutinise bills that come before this House, particularly bills that cause immense harm in our community, that will continue forever. There will not be a single opportunity again when we can completely review the industry. It is so important that we do our job.

It is disgusting, and I note and agree with Ms O'Connor, that through remarkable coincidence, we get to the point where we are discussing tax rates and, all of a sudden, you have lost patience. It is incredibly telling that this Government is prepared to justify to the Committee, to this House, why it is they have set the tax rates they have. I suspect that is because it is the bidding of the poker machine industry and they do not want to admit that. It is absolutely disgusting, so I completely reject the assertion that I have been wasting time in this House. I have been representing the community who elected me. That is my job. It is your job as well, minister, everyone else's in the House, and I will continue to do so.

Mr CHAIR - The question is that the time limit be imposed.

Motion agreed to.

Further consideration of clause 159 -

Ms O'CONNOR - Hang on a minute. All of your chiding, you faux minister, comes from an incredible arrogance and sense of superiority -

Mr Ferguson - Yes, say it. Get it out, get it out.

Ms O'CONNOR - Do not patronise me. You should be ashamed of this legislation and your role in it. I suspect you are because this will be a stain on your soul forever.

Mr Ferguson - Right, thank you, next. You have made the point for me, thank you. Look at how you have managed yourself.

Ms O'CONNOR - I have moved an amendment to clause 159 in relation to the tax rate that casinos pay. I need to remind the House that out there in the community right now, there are many members of this House on both sides who do not want to hear this, but right now there are desperate people haemorrhaging their money into those machines. That is why Dr Woodruff and I do what we do as Greens.

It causes the minister great discomfort to hear what the community sector and the churches are saying about this legislation but he should hear it because it will be decades, if ever, before there is a chance to do anything about it. We spent hours going through the bill and that is a problem, is it? Two days, basically, for legislation that will hang around the neck of this island for multiple generations. Obviously, it makes the minister uncomfortable to hear these truths but we are equals in this place. I am the minister's equal. Dr Woodruff is the minister's equal. You think you own this place. I am glad you never taught my children.

We move the amendment that provides a return to the people of Tasmania. We do not buy the argument that Federal will be particularly worse off under this new arrangement. The former liquor and gaming commissioner has made it pretty clear they will go okay. They have $745 million in the bank. The minister will say that is tedious repetition but people should hear it. We commend the amendment to the House so it can provide a return to the people of Tasmania.

Mr FERGUSON - I am not going to let those comments stand. The member is out of control and has been undisciplined throughout the conduct of this debate. The record is clear and I will reject all the unnecessary personal insults you have chosen to display.

The Government does not support the amendment. The Government's policy was for casino tax rates to be benchmarked against comparable casinos interstate. That has been made very clear in public and in the community. It has been part of our documentation that we have shared with the community through our community consultation.

Ms O'Connor - No.

Mr FERGUSON - Well, it has been.

Ms O'Connor - The casino pokies tax rate?

Mr FERGUSON - It has been, because the bill was a consultation draft.

Ms O'Connor - For the last two months.

Mr FERGUSON - Ms O'Connor, you are not very good at just withdrawing when you are wrong.

The Government's policy states that the returns to government and, therefore, the community from Federal Group's licensed gaming activities would be benchmarked against comparable casino operations interstate to ensure that the returns are competitive and fair for the community, players and casino operators. While it is recognised that financial arrangements of gaming markets in other jurisdictions are complex and variable, from a demographic and casino operation perspective, the Queensland regional casino and keno model is an appropriate benchmark for the financial arrangements in Tasmania, as uncomfortable as that makes you, Ms O'Connor.

Ms O'Connor - It makes Peter Hoult uncomfortable too.

Mr FERGUSON - It is common throughout Australia for casino tax rates to be lower than those in hotels and clubs. This is usually because casinos are considered to be destination

venues for gaming which rely predominantly on gambling as their main source of revenue. If I am not mistaken, this information has also been shared in the community. Casinos represent a significant capital investment and require an appropriate return. There is nothing new in what I have just stated. That is how it is explainable.

Again, Ms O'Connor, Federal are worse off by $20 million each year as a result of the basket of taxes and charges, not just the ones that you selectively, individually pull out. We have consistently stated that benchmarking is important. If you are going to continue to falsely make the assertion that somehow Federal Group asked for these rates, you would be wrong.

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

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad (Teller)
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendments negatived.

Mr CHAIR - The question is that the clause as read stand part of the bill.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	

Ms Courtney
Ms Dow
Mr Ellis
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Ms White
Mr Winter

Clause 159 agreed to.

Clause 160 agreed to.

Clause 161 -
Section 151 Substitute

Ms O'CONNOR - I have adjusted these two proposed amendments in order to reflect a change of thinking on our part.

First Amendment

Page 210, clause 161, proposed new section 151, subsection (2).

Leave out the subsection.

Insert instead the following subsection:

"(2) The community support levy is a sum equal to 8.33% of those monthly gross profits derived from gaming machine games."

Second Amendment

Page 211, clause 161, proposed new section 151A, subsection (4).

Leave out the subsection.

Insert instead the following subsection:

"(4) The Minister must distribute the Community Support Fund for the provision of:

(a) research into gambling; and

(b) services for the prevention of compulsive gambling; and

(c) treatment or rehabilitation of compulsive gamblers; and

(d) community education concerning gambling; and

(e) other health services.

Mr CHAIR - Ms O'Connor, that is different from what we have in front of us. If you can table that for us.

Ms O'CONNOR - The issue with the CSL is one that has certainly mystified many people in the community sector, along with the former Commissioner for Gaming, Mr Hoult. In his submission relating to the future of gaming in Tasmania, consultation paper released 25 February 2020, he says reform of the CSL should not be put aside for consideration, quote:

> … at a later date.
>
> At minimum, the core principle should be agreed before and incorporated within any new model legislation. The CSL allocations have been distorted on many occasions as has been noted in parliamentary reviews, Auditor-General comments and correspondence between the then Gaming Commission and the minister.
>
> There is no logic or fairness in a 3 per cent CSL on casino EGMs and a 5 per cent CSL in hotels. The variation is not addressed or justified in the paper.

He goes on to say:

> All the additional CSL funds should go into harm minimisation. When the Gaming Control Act was debated in 1993, some MPs argued that the introduction of EGMs into pubs and clubs would suck up all the money that sports clubs and charities raise through chook raffles, thus 50 per cent of the CSL funds were allocated to meet that shortfall.

Mr Chair, this has been an area of the Government's policy about which it has been very opaque to the concern of the community sector and advocates for true harm-minimisation measures. It is simply not good enough, Mr Chair, to remove the CSL from the legislation in the way that the minister is seeking to do and then give us one of his pats on the head and say, 'Do not worry, we'll come back after consultation and it will be in regulations.'.

What we know - and we knew this at Estimates - is that the consultation on what form the CSL might take and how it is distributed in the future was a very narrow consultation. This is the point at the Estimates table at which the minister accused me of attacking the Tailrace Christian Church, which is a complete falsehood. What I said, and I encourage anyone at Tailrace Christian Church who might be tempted to believe Mr Ferguson in this instance, was,

'You've selected one church in your electorate to consult. Why didn't you ask any other churches?'.

Now that I have read the Tailrace Church's submission, I understand that they have a particular and passionate interest in, and concern for, people who are afflicted by gambling. It is disgraceful that the CSL distribution is not part of this legislation. It opens the minister up to suspicion about motive, and it is certainly an issue that has been raised in submissions about the potential for this CSL pool to turn into a slush fund. I do not know. There were members who are not here when the Liberals were elected in 2014; but one of the first things they tried to do was take the money set aside from the sale of the former Trust Bank that is in the Tasmanian Community Fund and put it over in Premier and Cabinet. We busted them because we got a call from someone on the board because I used to be the minister.

That is what we are dealing with here, a government that would take the Tasmanian Community Fund money, a government that in 2018 rolled around Tasmania with a cheque book to buy votes, a government that did the same thing in 2021. We do not trust this Government and we do not trust this minister with the community support levy not prescribed in this legislation and dedicated to harm minimisation.

Mr FERGUSON - Thank you, Ms O'Connor, for your comments. I do not want to go over the Estimates hearing again but you have not quite got it right. You played a game of cat and mouse where you thought that you would attack me over a personal selection of a church in Launceston because you believed that it was a church that I might belong to but you were wrong about that. It backfired on you. It blew up in your face. It is a shame. You also said that there was only one church selected. Unfortunately you were wrong about that as well because the Uniting Church and the Salvation Army were there. Then you asserted that the Salvation Army is not a church. That is what actually happened. That is just the balance since you brought that up.

It is fair to complete the record. The deputy secretary made that decision to contact those organisations that had talked about the community support levy in their public consultation submissions and good on him. I did not tell him who to contact. I did not tell him which churches to or not to contact but I can assure the House that the Salvation Army is very much a church.

I reject those claims of a slush fund. The Government's aim of any change to the arrangements for allocation of the CSL is to ensure its continued relevance and greater effectiveness, noting that there are a lot more funds that will come into the community support levy as a result of this legislation that the Greens will be voting against and have voted against.

The Gambling Support Program, which is responsible for planning initiatives and programs to respond to harm in the Tasmanian community and manages expenditure has indicated in its response to consultation on the future expenditure of CSL funds that it supports the increased funding being provided to a range of categories. Of note, the program commented that while additional funding would be welcome, based on current CSL returns of over $8 million a 25 per cent allocation of more than $2 million per annum would be significantly more funding than required to meet the current and likely future service demand for direct support services.

The objectives of the CSL to improve harm minimisation and address issues of problem gambling in our community will not change. The significant funding to be received from

July 2023 will be distributed in accordance with the new framework, which the Government intends to be established in regulations. By the way, that development of those regulations is precisely why the Department of Treasury and Finance have been consulting and will continue to do so. I provide a commitment today that when the regulations are at a stage that they are advanced, I intend for them to be released publicly and further consulted on, as we continue to try to get the best possible way forward on this. We will allow the community to tell us if they think we have got it right or not -

Ms Johnston - Targeted or not targeted?

Mr FERGUSON - The public, everyone. Anybody.

Ms Johnston - Everyone. Unlike the previous consultation.

Mr FERGUSON - No, it was not unlike that. That was a targeted process to commence the work on the basis of the submissions that had come in from the public process.

Ms Johnston - But you commit to providing it broadly.

Mr FERGUSON - I can say it a third time. I know when you say these things it is intended to hurt the Government but what you are actually doing is criticising the people in the department.

The intention of putting these in these regulations is to provide flexibility for the distribution of funding that the prescribing it in this bill would not allow. It is consistent with some of my other statements about moving provisions into regulation. Prescribing the distribution model in regulation is a more contemporary approach. This approach is supported by the Commission and the Department of Communities Tasmania, the two bodies with the greatest involvement in the oversight and distribution of the CSL. I trust them. The CSL will broadly be directed to community capacity building.

Ms O'Connor - I do not trust you.

Mr FERGUSON - You are continuing with your offensive behaviour.

Ms O'Connor - Because I know what this legislation is going to do.

Mr FERGUSON - Would you just care to listen. The CSL will broadly be directed to community capacity building, preventative programs or initiatives to direct, support programs or initiatives and to research activities. I am advised that the Government and the department are still assessing stakeholder feedback. We will consult further with the community as required in the development of the regulation, as I have committed to again today. I am also advised that Communities Tasmania have indicated to Treasury and Finance that they would like to do a some more refinement on it. I look forward to advising the House accordingly when they are advanced.

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

The Committee divided -

AYES 3	NOES 21
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad (Teller)
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White

Amendments negatived.

Clause 161 agreed to.

Mr CHAIR - Anything further Ms O'Connor?

Ms O'CONNOR - Mr Chair, I believe, despite the minister's premature push for urgency, that concludes the amendments that we were going to move. In good faith, just to be really clear about why we called -

Mr CHAIR - Ms O'Connor, you are actually not entitled to speak right now.

Ms O'Connor - Okay, we called divisions so people's votes are recorded. That is important.

Clauses 162 to 187 agreed to.

Title agreed to.

Bill to be reported with amendments.

Suspension of Standing Orders

Third Reading Forthwith

Mr FERGUSON (Bass - Minister for Finance) - Mr Deputy Speaker, I move -

That so much of Standing Orders be suspended as would prevent the bill from being read the third time forthwith.

Motion agreed to.

Third Reading

[11.03 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, what this House has done tonight is pass legislation that will consign generations of Tasmanians to poverty, despair, homelessness, depression, addiction, child abuse and neglect, family violence and, as we know, suicide. Gambling addiction destroys lives. Every member of this House knows that very well.

As I said in debate the other day, if this was a conscience vote the legislation would not pass. If this was a vote that was uncorrupted by the gambling industry this legislation would not exist, let alone pass. What this legislation does is embed poker machines and new forms of gambling in pubs and clubs across Tasmania forever.

It removes from the legislation important provisions around the CSL and it completely ignores harm minimisation. We are not satisfied with the minister's platitudes about harm minimisation: facial recognition technology, pre-commitment and card-based play are not sufficient to save lives. Both the Liberal and Labor parties in this place know that very well.

This House, collectively, with the exception of Dr Woodruff, Ms Johnston and I, should hang its head in shame. Every member of this place, apart from three honest women in here, has acted against the public interest, has acted against the commitments we make when we are elected and we come in here and we swear to uphold ethical standards and work in the public interest. Twenty-two members of this place have failed to do that. This legislation will kill people. This legislation will lead to children going without. That is what this legislation will do.

We are here because of the utterly corrupting influence of the gambling industry on the body politic of Tasmania for the past 50 years - a gambling industry that got a sweet deal in 1993 from a Liberal government; a sweet deal extension in 2003 from a Labor government; that bought an election in 2018; bought a government, bought a policy, and then bankrolled both the Liberal and Labor parties at this year's election.

I know the minister does not like hearing this - by definition that is institutional corruption. It is when there is an unhealthy relationship between institutions and vested interests. In this case, on this legislation, it is a parasitic and symbiotic relationship. The gambling industry preys on the people of Tasmania and on democracy, and there is a toxic, symbiotic relationship between the old parties in this place and the gambling industry and the Federal Group.

By definition, what we have witnessed here over the many hours of debate that we have participated in, in good faith on behalf of our constituents, is institutional corruption in the form of the Gaming Control Act, Future Gaming Market Amendment Bill of 2021.

I condemn the bill to the House.

[11.07 p.m.]

Mr FERGUSON (Bass - Minister for Finance) - Mr Deputy Speaker, I will be brief. I take this opportunity to make a few remarks and to say a message of thanks to many people who have assisted in the bill being developed. First of all, I thank members of this House who are supporting this legislation. It is not as easy as Ms O'Connor has just made out. It has really tested a lot of individual consciences along the way from both -

Ms O'Connor - Not enough.

Mr FERGUSON - the Liberal Party and the Labor Party's point of view. I believe I can say that.

Ms O'Connor - You buckled anyway.

Mr FERGUSON - You have had your say.

Mr Deputy Speaker, everybody here has a conscience and everybody here has had different ways of arriving at the legislation that has been supported. I will let the Labor Party speak for themselves, but they have had a more, if you like, inconsistent or difficult path on this and for their own reasons they have settled on supporting the legislation. Mr Winter and others have already explained why but do not assume that there are only three people in here with a conscience. That is an incredibly arrogant thing for you to say.

This will continue to test people in the Tasmanian community as we go forward. This government will do its level best to continue to work with the Gaming Commission, the Department of Treasury and Finance, and the not-for-profit sector, as well as all Tasmanians who have an interest in this and want to see the very best outcomes that can possibly be arrived at.

They are not platitudes; that is the reality of what this government is leading, including an initiative that surprised everyone in this House when it was announced two weeks ago that the government was intending to make a direction to the commission to go further in terms of improvements to the mandatory code. That was unexpected, it has to be said, and it was our initiative. Not all of the contents of that, by the way, have been thoroughly endorsed by industry at all. We are serious about this.

I will speak for this side of the House and I will say it has been very testing as well. I thank the staff of the Department of Treasury and Finance. I will not name them individually, it would not be fair, but they have been very hardworking and diligent on this project throughout, working with government on policy setting and advising government on the things that we needed to know and understand in coming to the conclusions that we have.

There have been compromises along the way on the part of a lot of people. What we have not done, is compromise on our policy position which was clearly taken to the election. Within that, we have been able to find opportunity for innovation and better harm reduction measures.

I say again, any member of this House who walks out of here claiming moral superiority when they have been fighting for the potential losses of $900 a day, needs also to have a look

at what other members of this House have been fighting for and have been working for something that is more useful and pragmatic in the Tasmanian community.

This legislation ends the monopoly and means more money for government to spend on essential services. It means more security for jobs in particular, in regional Tasmania and means more support for problem gamblers and ultimately against those false accusations, it means less money for the Federal Group.

I will mention the amendments. We have codified an amendment to give effect to a requirement on the minister, me, to give direction to the commission to get on with the work of assessing options on facial recognition, smart-card based identification and a pre-commitment system that will work for Tasmania.

Importantly, and the Labor Party can take some credit for this, we have added in that it needs to be done as soon as can practicably be achieved, in order to not show any sign of wanting to waste time here.

We have made a small change to the return to players percentage, which we believe will be implementable and we have accepted a different form of words proposed by the Greens in relation to recognising the need to recognise harm and problem gamblers in the objects of the bill.

After what has been a very challenging 23 hours over three sitting days over two sitting weeks, I acknowledge that everybody has passionate views on this. A lot of members have not spoken much, if at all, but they have their views as strongly as anybody else and they have been able to express it through their minister and shadow minister. I respect that.

I thank the House for its consideration of this important subject tonight.

[11.12 p.m.]

Mr WINTER (Franklin) - Mr Speaker, thank you for the debate over the course of the 20-plus hours that we have been here.

Whilst the three members who have spoken passionately against the bill are unhappy with our position on most of the amendments, I did listen to the amendments. I was pleased we were able to support some of them. We were not able to support others.

I make the point that all of us have been faced with a choice with regard to this bill, whether we support it or not. We can vote for the Government's bill which ends the Federal Group's monopoly on gaming in Tasmania and creates an individual venue operator model or we can vote against the bill, which would continue the existing model with the Federal Group maintaining its monopoly and the current arrangements, essentially meaning that nothing would change.

By voting with the bill, we vote for a piece of legislation that we would not have proposed but is something that we fundamentally believe is better than the current arrangements.

The amendments we were able to secure, we are hopeful will result in better harm minimisation measures. The increase in the return to player is small but we arrived here today

thinking that our amendment would simply not get up and we would not get anything, so a small increase is better than nothing.

The facial recognition technology that we proposed to prohibit people addicted to gambling who have excluded - and that is excluded, not only self-excluded, but also by people close to them, or by the venue - if successful, would stop people being able to re-enter that venue if they have chosen to be, or have been, excluded. This had been implemented in South Australia. It means that an identified person addicted to gambling will not be able to enter any venue in Tasmania. The second is card-based play. This would mean an end to using cash in pokies and a move towards player pre-commitment. That is the ability for a player to nominate an amount that they want to spend in a day, a month, or a year and to be held to that. This has been long advocated for by many advocates for change within the operation of EGMs.

We are pleased that we are able to get some amendments. As I said, it was not a bill that we would have proposed but we do accept that it is closely in line with the Liberal Party's 2018 election bid and it is an improvement on the current arrangements.

[11.16 p.m.]

Ms JOHNSTON - Mr Speaker, I note, the minister suggested that we have been debating this bill for 23 hours and I think it is quite a small price to pay - the discomfort of members of this House - in order to be here representing the voice of the community, because that is after all our job in this place. What we have before us, again, is a bill that is all about profit maximisation and not, unfortunately, about harm-minimisation. It really saddens me the way there has been wilful blindness to the harm that is caused by poker machines in our community.

When I have stood at the lectern, I have, at every attempt, tried to speak about the human impact of what we are doing in this place. As I say, the bill is 187 clauses. It is extensive; it is complicated. It is easy to look at it as words and numbers on a page. However, what we do here matters, and it matters in the community. We are talking about people's livelihoods. We are talking about domestic violence. We are talking about people who are stealing from their employers. We are talking about people losing their homes and most sadly people losing their lives, and that is just a simple fact.

Unfortunately, what we have seen is Labor and Liberal in lock-step in the largest part, protecting the interests of the industry to maximise their own profits, rather than harm-minimisation. It is really with a very heavy heart that I will go home tonight and think about the impact of what we are doing in this place. Whilst I feel comfortable that I have represented the people who have elected me and I have listened to their concerns and voiced those concerns in this Chamber, I want to express sorrow to them and particularly to the community sector, who tomorrow morning are going to get up and do an almighty job as they always do, out to the coalface trying to help people pick up the pieces of their lives that have been shattered by poker machines.

I am really sorry that we could not do better in this place. I am sure we will keep trying; some of us will keep trying. I am really sorry because I know that not only do they work at the coalface of this, but they continue to pick up people's lives and try to help them where they can. They have also taken a massive effort and time to contribute in submissions and talk with Government and Opposition about it. It has been a massive burden on them to try to contribute to this debate. In the end, their voices have been ignored. I say to them that I am very sorry.

I also want to express sorrow to the people in the community who have been impacted by poker machine addiction: the many people who I know have shared their story with me and with other members of this House. It seems that their concerns, their stories, have gone unheard. We had an opportunity to put harm-minimisation measures into this bill and we have not taken it. That is incredibly sad.

I also want to note that whilst we have had significant contributions, and I recognise the contributions of the minister, the shadow minister, and the Greens members, Ms O'Connor, and Dr Woodruff, and me, and on occasions the Opposition Leader, we have had remarkable silence from a number of members of this House who have not been prepared to put their views on the record on *Hansard*. That is really sad because while they might be here in the interests of a party or, should I say, in the interests of the poker machine industry, they have been elected to represent the community first and foremost, and they have not contributed to the debate. They have not been prepared to go on the record and say why it is that they are supporting their party's position over the community's interest and that is really sad.

I want to end on a slight glimmer of hope because this bill will leave from this place to the upper House and there is still time for Labor to do the right thing. I know the members of this House, and the members of the Labor Party, and I know you care about the community. While you continue to say you do not have the numbers in this House, and I know you do not have the numbers in this House, you do have an influencing vote in the upper House. You could send this bill to committee for proper scrutiny. You could make amendments. You could make a difference and maybe, just maybe, provide the community who are so deeply harmed by poker machines a glimmer of hope.

It is quite a sad night but there is still hope. I really hope the Labor Party find their heart and do the right thing. You can speak up.

[11.21 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, I echo the sentiments of Ms Johnston just then. It is very distressing to have spent some two days speaking on this bill. This bill has been a long time coming. It has been years. In fact, the whole time since I have been in parliament, since 2015, I have been waiting for this amendment bill to be tabled. It has been the most discussed bill in the community in my history and knowledge of being a member of the Tasmanian community and a member of the parliament.

Here we are today and it is distressing, on behalf of the community sector and people who work every day with people who are enmired in gambling addiction, and their families and all the neighbourhood centres, and all the other community groups who deal with all the other people around them who are affected.

To hear the evidence that we presented on behalf of the people who made very passionate submissions to multiple stages of the draft bill, to hear their words being talked of through our mouths as being morally superior and somehow on a moral grandstand, as though it is sanctimonious to keep reminding members of the Labor and the Liberal Party of the public interest test. That should have been put first and foremost in front of every single clause of this bill and yet, at every point, it was put to the end. What we looked at was fundamentally where we have ended up - a deck that has now been fully loaded in the favour of Federal Hotels.

The two parties have lined up in 43 divisions that we called. Labor and the Liberals stood together and voted 43 times against some important amendments, not to get rid of the bill but to make that bill a little bit less harmful for people who sit stuck in chairs continuing every single day to spend their money and put it down the drain when they do not want to. There were opportunities 43 times to not just do what the people who have made submissions in Tasmania but also the psychologists, the academics who have been working in gambling addiction, the economists and the multiple parliamentary inquiries. The spirit of the Tasmanian people in the late 1960s when this was for the very first time a spectre on the horizon of something awful that could come to Tasmania, people were incredibly clear and they have never changed in their clarity, that we do not want poker machines in pubs and clubs.

The Greens and Ms Johnston, we have done what we can to put those views on the table. Those words will now sit in *Hansard.* We just hope that at a future time there is a government that is able to do something to unstitch what, just at this point in time, looks like a forever commitment by the Labor and Liberal parties to put the interests of Federal Hotels and the THA ahead of disadvantaged Tasmanians.

Mr SPEAKER - The question is that the bill be now read the third time.

The House divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis (Teller)	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Tucker	
Ms White	
Mr Winter	

Motion agreed to.

Bill read the third time.

The House adjourned at 11.29 p.m.