PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Wednesday 9 March 2022

REVISED EDITION

Contents

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

QUESTIONS UPON NOTICE

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I seek leave to table the answers to Question 8 for the member for Nelson regarding Macquarie Point. Also for the member for Nelson Question 10 regarding TasTAFE. I seek leave to have them incorporated into *Hansard*.

Leave granted.

8. MACQUARIE POINT DEVELOPMENT SITE

Ms WEBB asked the Leader of the Government in the Legislative Council, Mrs Hiscutt -

(1) Can the Government provide advice from the Office of the Valuer-General, or any other independent source, regarding:

(a) the current and potential estimated value of the Macquarie Point development site; and

(b) the impact of rezoning on the estimated value of the Macquarie Point development site?

(2) Can the Government:

(a) detail why, and on the basis of what option assessment process, the decision was made to sell the site to private sector developers, instead of dedicating it as a common open facility for all state citizens;

(b) confirm that even should a developer need to borrow significant funds to complete the current proposed residential and commercial concepts, that the 'gifted' equity of crown land will enable a significant profit to be gained by the developer and bank/s involved; and

(c) detail any evaluation undertaken to determine whether, and how, this one-time profit from the sale of the Macquarie Development site is in the public interest, given that the majority of the Tasmanian people will not be able to participate in the proposed scheme?

ANSWER

See Appendix 1 for incorporated document (page 83).

10. TasTAFE REFORM

Ms WEBB asked the Leader of the Government in the Legislative Council, Mrs Hiscutt -

With regard to TasTAFE reforms:

(1) Can the Government provide an expenditure breakdown of all promotional and advertising materials produced to promote the TasTAFE reforms, including:

(a) creation and placement of all newspaper advertisements; and

(b) creation and placement of all other forms of advertising and promotional materials.

(2) Can the Government provide the publication schedule of all TasTAFE reform-related promotional and advertising materials.

ANSWER

See Appendix 2 for incorporated document (page 86).

JUSTICE MISCELLANEOUS (INDEPENDENT REVIEW AMENDMENTS) BILL 2022 (No. 3)

Third Reading

[11.05 a.m.]

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

The bill be read for the third time.

Bill read the third time.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2021 (No. 60)

Third Reading

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

The bill be read for the third time.

Bill read the third time.

LIVING MARINE RESOURCES MANAGEMENT AMENDMENT (AQUACULTURE RESEARCH) BILL 2021 (No. 58)

Second Reading

Continued from 8 March 2022 (page 74).

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I had finished my contribution on the second reading speech and I look forward to hearing other members' opinions on this bill.

[11.06 a.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on this bill with some awkwardness. As the chair of the finfish inquiry, which is yet to report to this place, I and other members of that committee are placed in a difficult situation in engaging with this bill. While the subject matter of this bill and the terms of reference of the inquiry do not directly correlate, they can be seen to be connected and have direct relevance to each other.

Because of this, I sought advice on how to proceed with this bill to ensure that I will not put the work of the committee in jeopardy or compromise its integrity or value. I appreciate the advice I have received and have considered my options. I know that other committee members will likewise be considering their options. In light of that, I move -

That debate on this bill stand adjourned.

I seek the agreement of the Chamber to adjourn debate on the bill and I will speak to that now to explain why I seek that course of action and the support of the Chamber for it.

As all here will be well aware, the finfish inquiry has been in progress for some time. The time it is taking has been a matter of interest and, no doubt, frustration for many people who are very interested in the conclusion of the inquiry and the report it will make to this place. As chair of the inquiry I take full responsibility for its conduct. The lengthy duration of the inquiry is perhaps not ideal. Those who have been in this place for a while will appreciate that some inquiries can be very lengthy, especially if they are broad in scope or complex in their topic matter. This inquiry is both of those.

The evidence received by the inquiry included over 220 submissions and at least 10 days of hearings. That material is in the public domain and is available on the parliamentary website. That is a great deal of evidence to be carefully considered.

Further, the inquiry covers topics that all of us would recognise are a matter of conversation and, at times, contention in the community. Because of that, the committee has regarded it as particularly important to undertake the work with care and attention.

In addition, we have faced practical challenges not of our making which have caused delays, namely the shutdown for some months early in the pandemic in 2020, then the prorogation of parliament for the purpose of an early election in 2021, during which time the committee was formerly disbanded in March then reformed at the beginning of July.

I note these factors not in order to make excuses for the duration of the inquiry because I do not believe excuses are required. I note them as explanation of the context in which we find ourselves now. While it may not be readily visible publicly, the committee members have been diligently working on this inquiry particularly across the summer parliamentary sitting break. I thank the members of the committee for this work, and the time and care that they are devoting to it. We are very close to concluding this inquiry and reporting to this Chamber. We expect to table our report in this place next month. On that basis, I seek an adjournment of debate on this bill until after the inquiry has reported. I will briefly explain why I see that as an appropriate course of action.

Some aspects of this bill cross over with matters covered by the inquiry, including aspects of the Tasmanian regulatory system for finfish farming and various areas of particular public concern. If this debate proceeds before the inquiry has reported, I am concerned it will be difficult for committee members to fully engage with the bill in this place

One risk is that in engaging with this bill in second reading speeches, questions on clauses and voting, the contributions of committee members could be seen to indicate a view of the committee, thereby undermining the yet to be tabled report.

Another issue is that committee work is negotiated between all members, and decisions - including findings and recommendations - are a result of that shared process. Prior to tabling a report committee members are especially careful to avoid engaging in individual commentary or public statements that may reflect on, or be at odds with, the view of the committee that is developing during the committee process.

My concern is that if committee members are to engage with this bill, we will risk having to discuss or allude to matters in our individual capacity which may be at odds with the shared view of the committee on similar matters that may emerge through the report. If that happened it would risk undermining that solidarity of that committee work and the ultimate report of the committee to this place and publicly.

Where does that leave us as members of the finfish committee if the vote on the bill continues today? Each member will make up their own minds, taking into consideration all options and matters before them and each will decide on an appropriate course of action for themselves. As chair of the finfish committee, I will be constrained in my second reading contribution if debate continues on the bill today. My contribution would likely be less comprehensive than I would otherwise make after tabling of the committee's report, because I would frame my contribution so that it did not provide my personal view or an indication of how I would vote on this bill as an individual member.

Members will recognise that this is not a usual way of framing a second reading contribution. Usually, members would share their deliberations on the bill at hand and often provide an indication of their support or otherwise; or at least detail the factors that may still be in question to determine their position on the bill. I consider it would not be appropriate for me to vote on this bill today. I would absent myself from the Chamber for any vote taken. These are my choices to make and I take full responsibility for them. I am sharing my thoughts on these matters to explain as fully as possible why I am seeking to adjourn debate on the bill until after the report of the inquiry has been tabled in this place and those sorts of constrictions I and perhaps other members of the committee may feel, will not be present. I hope members will recognise the difficulty presented and see it as a minimal accommodation to support a

short delay on this debate to fully avoid those difficulties and provide members of the inquiry with an unencumbered opportunity to engage with this bill as well we should in this place.

I seek members support for an adjournment of the debate.

[11.14 a.m.]

Mr GAFFNEY (Mersey) - Mr President, I stand to support the member for Nelson seeking to adjourn the debate on the Living Marine Resources Management Amendment (Aquaculture Research) Bill until the said Council inquiry into Tasmanian finfish farming industry is complete. As a member of the inquiry subcommittee, I am aware that information in that report could be informative and valuable for the other members. Indeed, many of us have been contacted by a number of Tasmanians over the last few weeks and one of the quotes I can use in support of the adjournment is as follows:

> The Tasmanian Upper House Fin-Fish Inquiry has not been delivered yet. No expansion of the industry, even for research, must be allowed while this inquiry is yet unresolved, recommendations received and acted upon.

The mere fact this bill is being considered under the circumstance that the inquiry is yet to be resolved, gives the public reason to lose faith in parliamentary process. I encourage other members to support the chair of the finfish farming subcommittee requesting to adjourn this debate.

[11.15 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I acknowledge the members who have participated and led the inquiry into finfish farming in Tasmania. Accordingly, there are a number of elements to this question before us that are important to put on the record.

I reassure those members involved in the inquiry that there is no motive here from the Government and our well publicised priority is to progress our intent to maximise the potential opportunity for Tasmania from offshore aquaculture.

The sensible first step is to conduct the independent research and as we have heard this morning, this has nothing to do with commercial finfish farming.

I respectfully suggest that there are two matters here I would like to address as to why we should proceed with this.

First, the inquiry which commenced more than two years ago will, according to the terms of reference, presumably reflect on the planning, assessment, operation and regulation of finfish farming in Tasmania to date, including the 2017 Salmon Plan and the Marine Farming Planning Act. The Government will naturally review the inquiry's findings and will genuinely consider any recommendation to inform future policy. I expect this would inform the development of the new 10-year salmon plan announced six months ago, which is now under way with consultation processes occurring throughout this year.

The inquiry may also inform future policy settings relating to aquaculture more broadly wherever it might occur. That is to deal with that section of it.

The bill before members, on the other hand, intends to amend the Living Marine Resources Management Act to provide the potential to permit the activity of marine farming of fish for research purposes under an arrangement under that act. It is limited in the application of respective provisions in Commonwealth and Tasmanian fisheries legislation; limited to research; and limited by the context established in any fisheries management arrangements entered into by the Commonwealth and Tasmanian governments.

It is also by the definition of 'fish' in the act, potentially much broader than just salmon, and we have heard that in the briefing this morning. I understand it is largely the subject of the current inquiry we are talking about at the minute.

To all potential forms of aquaculture, including for finfish, seaweed and potentially other species - I for one am very interested in the seaweed. Being a farmer, I know that cows put out a lot of methane and I am very interested in the research for seaweed as food to decrease that methane.

We need to establish the necessary legislative and legal framework first, before there is a process for a research component to be able to apply to government for a permit. So, we are a long way off this yet.

However, the Tasmanian Government appreciates that there is also a strong interest in how it will work and how any potential research activities could be regulated and managed by the state. This is why, as part of the consultation process on the draft bill, the Government released a comprehensive consultation paper that outlined a range of questions and answers to the proposed policy principles that would apply. In response to the consultation, the Government has developed proposed policy principles further, some of which were outlined in the other place. This has been provided by the minister to all members in the form of a briefing note.

The briefing on the marine aquaculture research activities in Commonwealth waters provides members with considerable guidance on the Government's policy intent. Without pre-empting the considerations in this place and the parliament, it is the Government's intention to finalise and release an overarching policy on marine aquaculture research activities of Commonwealth waters once the bill has, hopefully, passed.

As already indicated, in finalising the policy, the findings and recommendations from the inquiry may be relevant. There is nothing that prevents the timely consideration of the bill before parliament, which simply enables a legislative basis for Tasmania to be able to enter into fisheries management arrangements for marine aquaculture research activities in Commonwealth waters.

Over the long term, legislative policy and administrative arrangements could still need to be established before commercial-scale aquaculture could be developed in Commonwealth waters relevant to Tasmania. This would conceivably include a review of the trial as well as other appropriate studies and further industry, community and stakeholder consultation. There is no timetable for this beyond the current research phase, which the Commonwealth has stated would be for three years initially. Again, this provides ample timing for any future policy regarding commercial-scale activities to be informed by the findings and recommendations from the inquiry.

I am trying to make it clear that we are dealing with two separate things here. This bill before us is an enabling bill for research purposes only. They are not anywhere past that yet.

Members, this bill would have been next on line last year had we had time. This is why it is here now. I respectfully ask you not to vote for this adjournment but to proceed with the bill.

[11.22 a.m.]

Mr VALENTINE (Hobart) - Mr President, I note the Leader's reasons but for me to even comment on those reasons would cause an issue for me. The member for Nelson, as the chair of the committee, has stated it very well in terms of the difficulty it presents to us as members.

Every member around this Chamber who has participated in any inquiry will understand the difficulty and tension of commenting on a bill that is very much related in its potential operations to what we are dealing with in the inquiry. I would find myself in a situation where I would have to absent myself from the Chamber. I bravely asked a question this morning about a technical aspect and that is about as far as I could go. That is probably why a number of members of the committee did not ask questions - because they did not want to be seen to be prejudging the situation. It is very difficult.

As you have heard the chair of the committee, the member for Nelson, say, we would hope to be able to deliver this in a month and a bit.

Ms Webb - Second week in April.

Mr VALENTINE - That is not going to cause a problem with regard to this legislation before us today. I cannot comment any further except to urge you to consider your own situations on inquiries and what it might mean for you if you were in the situation and legislation was presented.

It is important that when legislation comes to the House that it is properly scrutinised. You have three members who have just spent the last 18 months to two years scrutinising this very territory - not the Commonwealth stuff - but this area of activity in the state. To not have the benefit of that before you through the report would be detrimental. Whichever way you think, you will get something out of that report. I urge you to consider very carefully this request for an adjournment for our sakes if no one else's. I leave it with you.

[11.26 a.m.]

Ms LOVELL (Rumney) - Mr President, it is a fairly unusual set of circumstances we find ourselves in and I appreciate this has caused some difficulty and awkwardness for the committee. I did have a conversation with the member for Nelson about this yesterday and apologise I had not had time to come back and continue that conversation before we are here debating this now.

I am inclined not to support the adjournment. I feel the scope of the bill is not close enough to the terms of reference of the committee - without being privy to what the committee has considered - and what might be in the forthcoming report. With the information available to me, the scope of the bill is not close enough to the terms of reference of the committee for me to feel there is a particular conflict.

I wonder, too, about the timing. I understand the committee is expected to table their report in a month, in the next sitting in April. As the Leader pointed out, this bill has been before us for some time and were we debating this at the end of last year, would we still be having this same conversation resulting in a longer delay or had we debated it six months ago would we be presented with the same issue?

I am comfortable to progress with the bill given the committee is tabling its report in one month. I make the point that if the committee does raise any issues related to this bill the Government would have, and I hope would take, the opportunity to deal with that at the time. I am comfortable to progress and I will not be supporting the adjournment.

Ms Webb - And no discomfort about three independent members not able to fully participate?

Ms LOVELL - It has been supported by Labor in the lower House and is being supported here.

[11.28 a.m.]

Ms RATTRAY (McIntyre) - Mr President, it certainly is a difficult one. Every time we have a committee we find ourselves delayed in reports. I have been working through what has been suggested. I would not have minded having a conversation prior to this morning, but it is what it is and so we have to deal with it now.

I am interested in the Leader's observations and I am not sure how she might respond if the report was tabled on Tuesday 11 April, because that is when we next sit. We have an opportunity to read it - because that is effectively what is being asked here, to have an opportunity to read it - but we are also considering three members are not able to participate in this vote today on the living marine resources amendment bill. Does that give members enough time to even read the report, or do we just look at the recommendations?

Mrs Hiscutt - Because I cannot speak again I have clearly outlined in my prior response it is two separate issues we are talking here. One is research and one is a report on finfishing. At the minute, the bill before us is totally unrelated.

Ms RATTRAY - I appreciate what the Leader has said there but the argument put forward by the chair and others is they are not able to participate in this debate. They do not feel they can participate in this debate today. That concerns me because, with all due respect to our party colleagues in this place, they are three Independent members who cannot or do not feel they can participate. I am concerned that without that participation we will not effectively achieve the best or most robust scrutiny we need for any piece of legislation, whether it be the waste levy, this particular living marine amendment, justice from yesterday or whatever it might be.

I am leaning towards supporting the request to adjourn with a proviso: if the report is not available by 11 April for the scrutiny of members not on the committee and for those members who feel they are able to proceed, then I suggest the Government should not have to wait and neither should Blue Economy CRC wait any longer for an outcome for them. That is where I stand right now and I will be interested in other members' contributions.

[11.31 a.m.]

Ms ARMITAGE (Launceston) - Mr President, personally, I did not see any correlation between the two, but I understand the conflict the members feel. Yes, I would be comfortable on the face of it to proceed but I also take into account three members - irrespective of whether they are Labor, Liberal or Independent - who cannot contribute on behalf of their communities, and that is the concern I have.

The other concern I have is to do with committees. We all hope that our committee is going to be wrapped up. I had hoped that my committee was going to be wrapped up already but sometimes -

Ms Rattray - And I am sure the member for Pembroke would as well.

Ms ARMITAGE - That is right. We have next week to be continuing with, but are there any guarantees it is going to be wrapped up in April? No one can guarantee what is going to happen.

A question I ask the Leader was from this morning. My understanding from Dr Whittington was that there is a time imperative to the bill, to the research. If we do not actually have legislation in place and get the bill under way so they actually know what the laws are, then they cannot put any permits or put anything up for research. But there is concern this research might actually go somewhere else and might not be here for Tasmania.

Mrs Hiscutt - While the member is on her feet and seeing as I cannot respond because I have had my say, through you Mr President. The Government at the moment can commit to holding off its policy statement until the context of the finfish report is tabled and then do the policy statement after that, considering anything that may be of relevance, but I am not anticipating the research and the finfish.

Ms ARMITAGE - If I could further ask the Leader. Is there a time imperative that this bill could not wait until our April sitting, or is it a necessity it is under way today, irrespective of the comments you have just made?

Mr PRESIDENT - I appreciate it is hard to have this on an adjournment debate with members debating that across the Chamber. Those questions are important. I will allow answers through interjection because it is very much a work in progress and I understand members need to have as many answers as they can to make a decision on this. If the member wishes to continue, I will allow the Leader through interjection to communicate with you. We also have the opportunity for other Government members to respond to questions also, if that is how the Government chooses to run it.

Ms Rattray - I wonder if there has been any precedent for this type of thing?

Mrs Hiscutt - While the member is on her feet and through you, Mr President, we heard from the Blue Economy Cooperative Research Centre this morning as to why they are waiting, bearing in mind I have already put on *Hansard* that this bill was listed for last year but we ran out of time. The Government is keen to move on this. Other people are waiting on this so they can get on with their business and research activities. We would like to progress the bill.

Ms ARMITAGE - Thank you, Mr President.

Mr PRESIDENT - The question is that the debate stands adjourned.

The Council divided -

AYES 4	**NOES 5**
Ms Armitage	Mrs Hiscutt
Mr Gaffney (Teller)	Ms Lovell (Teller)
Mr Valentine	Ms Palmer
Ms Webb	Ms Siejka
	Mr Willie

PAIRS: Ms Forrest; Mr Duigan
Ms Rattray; Ms Howlett

Motion negatived.

[11.41 a.m.]

Ms WEBB (Nelson) - Mr President. as I previously stated, this is not the contribution that I would have preferred to make on the bill. I will tread very carefully and I will be absent for any elements of this debate that require votes.

I understand this bill relates to the future research opportunities in Commonwealth waters and the arrangements that are to be put in place for providing permits and oversight. I will ask some questions, without commentary, and I trust the Leader will be able to answer in her summing up. Some questions arise from the material we have all seen, and are not necessarily reflective of my own views and certainly not committee views on the matters they cover.

I note calls for clarity on the consultation process for identifying suitable areas of Commonwealth waters for research activities to be covered by this bill. This particularly relates to the scope of the consultation undertaken at that initial step which, I understand, is done by the Australian Government. I seek more detail from the Government about their understanding of the consultation process and the decision-making framework that the Commonwealth will apply to initially identify these areas.

I recognise that initial identification is not a state government responsibility, but I imagine the state government would have an understanding about the Commonwealth's approach and I am particularly interested in more clarity there. I am interested in how that intersects with the MOU that is being signed. Has the Tasmanian Government, in signing the MOU, already agreed to a documented consultation process and decision-making framework that will be used by the Commonwealth in their initial steps identifying those areas?

I note that the permit approval process in the bill is at the minister's discretion. It does require that the minister consult with the Director of the Environment Protection Authority and is required to incorporate any conditions specifically for finfish farming that the director considers necessary. There was discussion at this morning's briefing about that ministerial discretion and where the power resides if, for example, the director of the EPA did not believe the permit should be granted. Perhaps the Leader could include an explanation clarifying that power in this kind of instance in her summing-up.

Regarding matters raised in the materials received by members, does the state Government have a documented policy on managing competing interests of existing and potential new users to apply to decisions made in granting research permits, so that people can see what that looks like? If there is no documented policy, perhaps the Leader can explain why not and also what the basis will be for considering competing interests.

The participation of the director of the EPA in the process of permit approval, as described under this bill, is not the same process as, say, the director of the EPA granting an environmental licence for an activity. In my understanding, it is the director of the EPA being consulted on potential conditions that might be applied to a permit. Will the director of the EPA have a documented set of principles or guidelines for the consideration of permit applications and the setting of possible conditions?

If conditions are placed on a permit, as it is approved by the minister, as a result of the director of the EPA requesting them or directing that they are, who will monitor, report on and enforce the conditions placed on the research permit? Where will that activity be undertaken and responsibility be held for that? Will there be public transparency on those activities of monitoring, reporting and enforcement in relation to permit conditions?

Section 15(2) of the act specifies penalties. Are those the penalties that will be applied for noncompliance with permit conditions in relation to activities intended to be facilitated under this legislation? If so, have those penalties been reviewed and assessed as appropriate for the circumstances relevant to this bill?

Regarding opportunities for public participation or consultation in the processes described in the bill, I note that the requirement to conduct stakeholder consultation may not be in the legislation itself. It may be elsewhere. Where will the opportunities lie for the public to have input? We also see matters described as 'appropriate stakeholder consultation'. Could the Government speak in more detail about what it regards to be appropriate stakeholder consultation?

In a similar vein, to what extent will there be public visibility around permit applications to ensure transparency? That is nodded to but could the Government describe that in more detail and explain why we would not have full visibility of some of that material, commercial-in-confidence matters aside, rather than the way it is described as a summary?

In our briefings this morning we discussed the make-up of the Blue Economy CRC, its partners and funding. The Government commented on its understanding about the funding of the research projects and beneficiaries of the projects, both in terms of intellectual property and results and the commercial gain that can, as described in the bill, be gained from the activities, particularly if it exceeds the costs of the research activity, about where that goes in the mix partnership-wise with Blue Economy CRC, and whether the state Government is involved in that as a beneficiary in some sense.

I may have covered the bits I am comfortable covering today. Perhaps a little more detail of the extent to which commercialisation of the research product, the fish, say, if it is a finfish research project, is determined to be sufficient to offset costs or go beyond that and the revenue generated. Is there a formal way to determine that an appropriate degree of commercial return is being achieved within the research activity?

I will also seek more clarity about questions about the fees applied to issuing the permit. Those questions arise from some of the submissions and the correspondence received.

What principles will be applied to the setting of the fees? Will the principles that are applied to the setting of those fees be publicly documented? Will fees be set in order to cover the regulatory activity that may be required from government agencies and the EPA, or in excess of that level of return in order to cover regulatory activity? Will it be more, and if so what are the principles for determining the level?

Will fees collected on permits issued under the bill be hypothecated to regulatory agencies or functions to cover costs that might be associated with it? Will fees be set to include a return to the Tasmanian people for use of public waterways?

Those questions are the extent of my contribution. I am disappointed that I am unable to make a fuller contribution in which I could share more information, and share my view more fully. I hope that at least putting those questions on the record assists with the public documentation of the passage of the bill. I will not participate in voting on it.

[11.56 a.m.]

Mr VALENTINE (Hobart) - Mr President, as I indicated in my contribution on the adjournment debate, I am going to absent myself from the Chamber. I take my work in this place very seriously and I do not want to jeopardise in any way, by any questions I might ask in this place, any possible suggestion of bias that could reflect back on the work of the committee.

I will absent myself from the Chamber.

[11.57 a.m.]

Mr GAFFNEY (Mersey) - Mr President, previously I spoke about my support for the adjournment debate regarding this bill. I hoped that might have transpired, but it is not the case.

It is important to note the terms of the reference for that inquiry -

> To inquire into and report on the planning, assessment, operation and regulation of finfish farming in Tasmanian, with particular reference to:
>
> (1) The implementation of the Sustainable Industry Growth Plan for the Salmon Industry and its impact on commercial finfish farming operations and local communities, including:
>
> (a) data collection and publication;
>
> (b) progress in the development of an industry wide biosecurity plan;
>
> (2) Application of the Marine Farming Planning Act 1995 relating to:

(a) preparation and approval process for marine farming development plans, including modifications and amendments to marine farming development plans;

(b) allocation of leases, applications for and granting of leases;

(c) management of finfish farming operations with respect to the prevention of environmental harm;

(3) Any other matter incidental thereto.

I therefore fail to see where the bill we have in front does not encroach on some of those issues and some of those terms of reference. Whilst the bill helps to focus on a particular aspect of the aquaculture industry, it seems ill-advised to have that debate without all the information on the table.

I will not be in a position to debate the bill in the Committee stage, as I feel uncomfortable with my involvement, because I feel somewhat constrained. Whilst being a member of the committee inquiry, I make no personal comment or assessment of the committee's work nor its relationships with the aforementioned research bill now before us.

However, I believe it is important and proper for me to place on the record the concerns expressed by many Tasmanians about this bill.

I am quoting from those people I have received information from.

> I am writing about an issue that I think is extremely urgent and vital. For context, I have never been involved in any type of environmental issues previously, and never voted for Greens. I hope that demonstrates how strongly I feel about salmon farming coming to the north-west! I am writing to you to urge you to vote against the Living Marine Resources Management Amendment (Offshore Aquaculture Research) Bill 2021 this week. I have been researching this and I have seen videos and stories from real ordinary Tasmanians who live near salmon farms, have seen first hand what they do - noise, lights, pollution on shore from debris, horrible impact on waterways. It feels like the Government is trying to sneak this through and the north west is the place to suffer. Why should we put up with this? Our beautiful pristine waters just so someone can make some more money - using our natural resource that belongs to all of us.

Next person:

> I am writing to you as a resident of Wynyard and former resident of Hobart to urge you to please safeguard the future of Tasmania's marine environment and coastal communities. … It is heartbreaking - and mind boggling! - to think Tasmania is so hell bent on trashing its 'clean, green and pristine' image so thoroughly for an industry that employs so few locals and funnels its profits offshore!

For the record, Mr President, I cut down a lot of the material I have received; I am giving some examples. Some people say this is purely an enabling bill for research. Some people in our community do not believe that is the case.

> … I am financially stable, am a professional consultant and I am *not* moving home because things haven't worked out on the mainland. It is a conscious choice for a better life for my family. Yet I am absolutely heartbroken to know that the Tasmanian government is set to allow this abhorrent industrial scale disregard for its natural assets to eek its way into the pristine North West waters. Waters that, like the Channel once was, are full of life, full of recreational activities that sustain communities and keep people out and about, active and participating in healthy communities. Industrial fish farming will kill this community and its natural vitality - both on and offshore, just as it has done elsewhere. And the industrial fish farming companies won't give a damn about it. PLEASE - vote <u>against</u> the Living Marine Resources Management Amendment (Offshore Aquaculture Research) Bill 2021 this week.

Next one:

> I am writing to you to express my anger and disgust at the Government's approach to rush this bill through and begin fish farming off the north-west coast, starting with Burnie.
>
> Can you please present our family's fears regarding this toxic waste- producing industry off our shores at your meetings this week? We live in Sisters Beach and there is outrage across the board. Forget the rubbish about creating jobs. Tasmania's environment is slowly being ruined by the Government. They won't ever get our votes again.

Next one:

> I have attended meetings organised by people from various backgrounds, including local fishermen who are opposed to the expansion of fish farming in Bass Strait. I do hope you give careful consideration to the bill before the Legislative Council that will allow this pen 'trial' in Commonwealth waters.
>
> As I see it, the trial is just the first of many pens that will litter our beautiful coastal environment. The big corporate businesses that will manage this expansion (the Tasmanian Government has no history of dutiful regulation) have shown little interest in the local communities and in environment affected by fish farming.

Another person:

> I urge you to consider the ramifications this bill will have on our pristine waters off Bass Strait. To date, marine farming in this state has been diabolical for our waterways, our coastlines and our native fishing grounds.

> Bass Strait is like a bathtub. As a tourism operator running two businesses in Tasmania's best tourism town, Stanley, I implore you to say no to this amendment. As my 21-year-old son, William, so eloquently said, "we will just be a rock in slop".
>
> This bill does little to engender public confidence. It lacks detail and scale and given our tragic history of marine farming in this state, makes me fear for both mine and my fellow tourism colleagues' futures.

Another one from the area:

> Speaking as a young local from Circular Head who is firmly invested in the future of the community, I stand absolutely opposed to the development of marine-based salmon farms in Tasmania, and am even more zealously opposed to the notion of one festering itself on the north and north-west coast. Both the short- and long-term effects caused by the presence of a salmon farm in the Bass Strait will be apocalyptic to not only the ecology of the local area, but the economy as well. The development of a salmon farm in the region is entirely unfeasible due to the unique geomorphology and topography of the Strait, blight produced by this industrial-scale tumour will not be able to escape the effective bathtub that is the Strait, making areas like Stanley, one of the top three tourism locations in the country, nothing more than a rock in slop.
>
> … To pretend the jobs offered by these traditionally exploitative multi-national cysts will in any way equate to the business and economic stability lost by their apostemation into the area, beggars belief. The beaches and oceanside businesses will suffer intensely, alongside trade relying on the natural waterways such as fishing.

Another one:

> I wish to voice my deep concern for our pristine environment. The possibility of there being increased salmon farming in Bass Strait is alarming. The proposed site 6 kilometres off Burnie, may not be seen from shore, but its effects will be.
>
> The already established salmon feedlots in the S.E. of the state have changed the environment of the water and the vegetation along the shores. The combination of fish excrement and waste from the nutrients fed to them cause green algae, sludge, and decrease the availability of native fish for both recreational and commercial fishers. The accompanying industrial activity of washing the fish and processing, has unacceptable noise and light pollution to nearby communities.

Mrs Hiscutt - I do apologise for interrupting you because I know the member for Mersey does not like it, but these letters are talking about commercial finfish farming.

Mr GAFFNEY - Excuse me, I do not accept the interjection. I explained quite clearly why I was putting this on the record and I would like the Leader to cease. I do not think the Leader's assessment of what this bill is, is actually accurate:

> There are little known reefs in Bass Strait and one in particular is off Rocky Cape where a recent study of the biodiversity has been undertaken. It seems there are increased species due to the small amount of sea warming already happening.
>
> Bass Strait has a unique water flow. There are strong currents flowing down both the east and west coast which hold the water from the strait in place, not allowing water to flow through from one end out the other. It is virtually a basin where water is sloshed from side to side so that any algae and detritus which is put out in massive amounts daily from each pen will wash up on Tasmanian and Victorian shores. There will be a lot of unhappy people on the north-west coast if these research pens go ahead - recreational fishers, divers, swimmers, people who just love to spend time on their local beach, and whole small towns where processing boats will be based.
>
> I know for sure that (some Members) remember the yellow, orange, red and foamy oceans that you needed a peg on your nose when driving past, and you would not think about going for a dip in it. Some 20 or 30 years later after The Acid Plant, Tioxide and The Pulp have closed and the environment has recovered from the polluting legacies, the last thing we want is another toxic industry wrecking our environment again. Please doesn't anyone toe the party line and say it's a great industry and regulated etc. as I have been around long enough to know if you want to know what's going on, go to the coal face and find out, don't ask the people with vested interests.
>
> I would urge you all to talk with local fisherman, divers and recreational users to hear about the positive changes being witnessed in the waters of Bass Strait. King George Whiting have been a rare fish to catch up until recent times but fishermen are now catching them in good quantities, there are many stories like this.

Another:

> I am writing to you out of deep concern to urge you to safeguard the future of Tasmania's marine environment and coastal communities by voting against the Living Resources Management Amendment (Offshore Aquaculture Research) Bill 2021 this week.
>
> We have a unique lifestyle in Tasmania, the most beautiful pristine coastal waters and beaches and to put all this at risk without due public consultation and before the above enquiry is completed is not good practice.
>
> I note that there are no appeal rights for the public with regard to licences.
>
> Sadly for most of us who enjoy our beaches/coastal pursuits, the Tasmanian government has a history of unequivocally backing the salmon industry,

refusing to hear or acknowledge public feedback, and has a clear vested interest in these developments. In view of this I strongly believe that in the best interests of we the coastal inhabitants of Tasmania, are concerned that the Tasmanian Government NOT be designated the sole regulator of offshore salmon industry.

A note from me here, Mr President, it is important to understand whilst they believe an adequate consultation period has been adopted for this bill, there are obviously a lot of people in our community who do not believe that to be the case because:

(1) They may misunderstand the bill.

(2) Once they have read the bill they do not want to go down that path.

The Tasmanian Upper House Finfish Inquiry has not been delivered yet. No expansion of the industry, even for research, must be allowed while this inquiry is yet unresolved, recommendations received and enacted upon. The mere fact that this bill is being considered under the circumstance that the inquiry is yet to be resolved, gives the public reason to lose faith in parliamentary process.

With the UN launching a legally binding plastics treaty in 2024, a plastics heavy industry such as aquaculture MUST NOT be installed in the Bass Strait. The fish farms in the south shed plastic to the count of 90 cubic tonnes per year (official report from the industry 2021). The tidal flow of the Bass Strait plus the migration and nursery habitats of a variety of species of whales make this a highly dangerous prospect to wild life, and vessel navigation.

The Tasmanian government must not be designated the sole regulator of offshore salmon given its history of unequivocally backing the salmon industry, refusing to hear or acknowledge any feedback and having a clear vested interest in these developments.

The installation of a finfish aquaculture industry in the Bass Strait will attract large number of apex predators, which will be drawn to the cages, and then deterred by farm workers. This will be occurring in the native habitat of the penguin population along the north coast, which is already living with the highly urbanised coastlines of Burnie and Penguin and Stanley. This animal is highly vulnerable to plastic pollution, with chicks often starving in highly polluted areas after being fed plastic waste by their parents.

There has not been adequate community consultation, and as a resident in the South, confidence that appropriate consultation will be carried out is very low.

The proposed amendments to the EBPC Act in 2020 did not pass the upper House in Canberra, as senators KNEW THE DANGER of allowing State Governments powers of approval when it comes to big industry and environment. Clearly state interests are vulnerable to industrial persuasion

and a failure to regulate industry properly in the Bass Strait would lead to regrettable outcomes.

Waters in and around Tasmania are the fastest warming in the world. Atlantic salmon requires temperatures of below 12 degrees to remain healthy. This species will not thrive, and will be costly to maintain survival as the Bass Strait heats up, even at 6 kilometres off shore over summer months. The Strait is shallow and flanked by islands and shelves. The water does not flush from the region entirely, and thus maintains higher temperatures.

Research into offshore salmon production must not proceed. The push for offshore fish farm factories in Commonwealth waters amounts to a massive sea grab. This new technology will mean a larger scale industry, automation of jobs and all the same issues with coastlines on a larger scale.

The Tasmanian Government must not be designated the sole regulator of offshore salmon given its history.

… The Australian Institute polling last year showed that 63% of Tasmanians believed that salmon farm expansions in Tasmania should be paused and 63.5% were concerned that the health of Tasmania's coastal waters is declining. 40% of those polled were Liberal voters and 27.4% were Labor voters.

… I am writing to ask that you oppose the bill that is designed to allow the Tasmanian Salmon Industry to expand into Commonwealth waters. I understand the first step salmon fish pen farming 'trial' by the Blue Waters CRC to be conducted 6 nautical miles off Burnie and that the trial will be conducted under Tasmanian Government oversight and regulation. This is a travesty as the Tasmanian Government has proven itself inept at managing the salmon industry, with a decision making process heavily in favour of the salmon industry and not the people of Tasmania or Tasmania's marine and coastal environment.

There is little doubt that the plan is for Bass Strait to become an expansion zone for salmon farms. In addition to the leases already granted and the planned coastal expansion from Penguin to Three Hammock Island (as recommended by IMAS) it will mean that the north coast of Tasmania is set to be flooded by the salmon industry, changing the very nature of our coastal villages and lifestyle, desecrating our wild fish hatcheries and despoiling our beaches and estuaries.

It is said that this is to be a trial, but history has shown the damage to the environment and marine life where these farms have been, which should be a good indication to the effect this would have. There has been little or no public discussion on this, and it must not go ahead under what is understood to be the present conditions which are rather vague. People must be allowed to have a voice and be heard. Bass Strait is a lovely stretch of water and should be kept that way without pollution or obstruction. Why would this be approved as it would benefit only a few with employment, and add to the

> greed of the producers. That's not a good enough reason to give this the green light to go ahead. Please, I urge you to vote against this proposal, until at least the public can be heard and the Fishfin Enquiry is completed.

I felt some of these concerns were addressed in the other place and some amendments were put forward which I thought were of value and it should be read into this place also, so people listening can understand what those amendments were.

(a) the bill does not provide for public consultation, or appeal rights, in relation to the issuing of a permit; and

(b) the bill does not place explicit limitations in relation to duration, biomass, or deriving profit from research activities; and

(c) the bill does not explicitly require the recording, and public reporting, of environmental impact data; and

(d) the bill does not provide for public reporting of permit conditions; and

(e) the bill does not provide for assessment by the Marine Farming Planning Review Panel; and

(f) the bill does not address significant flaws in the existing regulatory regime.

I am going to give a summary of this paper presented. I have not had a chance to fully read it so I am not going to read it all in. I will read the summary because that is important. I apologise to the people who have just sent it to me prior to this:

> There are a number of provisions within the *Living Marine Resources Management Amendment (Aquaculture Research) Bill* that allows scope for Ministerial discretion to permit marine fish farming for research purpose without a comprehensive outline of the consultation processes. The Bill lacks definition of *'research'* and specificity around the scope of approving permits. The amendment to s12 allows the Minister discretion to permit marine fish farming research to be conducted which may also allow for unspecified commercial financial returns. It is not clear from the amendment the scope of what can be considered as research purposes. This may need to be further investigated.
>
> Further, it may be necessary for the Tasmanian government to clarify how far the authority of Tasmanian legislation expands into the management of marine fish farming research in the Commonwealth jurisdiction. The amendments imply a transfer of powers without significant Commonwealth collaboration or oversight.

Mr President, I put those few words on record because it is important to understand there are people in our community with a point of view. Unfortunately, I will not be in a position to debate each of the sections when we go to the Committee stage, because of the conflict I believe could arise. I do not want to jeopardise the work of the subcommittee in this inquiry.

[12.16 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the Leader's office for arranging the briefings today from all sides. The briefings helped me to better understand and contextualise the need for the legislation and the legal framework that it creates.

I was going to read in some of the emails, but I will not now, because they were very well referred to by the member for Mersey. I thank him for that.

Offshore aquaculture has a significant place in a country like Australia. For an island state like Tasmania, it is even more integral to realising our potential - not only as a place of sustainable and responsible maritime ecological development, but also as a leader in research and commercial development. I believe this is an important bill for research into offshore aquaculture production.

In order to do this, we need to ensure that robust legal and regulatory frameworks are in place, especially as they relate to operations occurring in Commonwealth waters. Having consistent and uniform legislation reduces confusion and creates certainty, not just for our maritime research sector, but also for our commercial aquaculture industry. The alternative would be to not pass this legislation and be left far behind.

I understand that this is about allowing the Tasmanian Government to enter into agreement with the Commonwealth and provide an ability for the Tasmanian Government to regulate in Commonwealth waters. Without this ability, we cannot do the research.

We heard from the CEO of the Blue Economy CRC, Dr John Whittington - and I am pleased to note its head office is located in Launceston - that they cannot apply for a permit until they know what the legislation looks like. The same goes for consulting. It is hard to consult until they know what they are actually seeking a permit for, until the legislation is there; and this bill provides certainty.

Being concerned with our precious maritime ecosystem, I entirely understand the concern of some in the community, about ensuring that it is properly looked after. I believe this can only be done if we have responsible legal frameworks in place to allow research to occur. I have confidence this bill provides that.

To best look after our unique environment, we need to understand it - especially in times where our climate is changing and we need to adapt and, in some cases, intervene. Understanding the environment is part of the research. At the moment, all they can do are observational things.

I am confident this bill provides a first step towards creating a responsible framework for a research sector to grow sustainably, and to operate within the waters around our island state. This bill is concerned with creating a legal system within which we can better understand our maritime ecology - how we can grow it, protect it, and create opportunities which all Tasmanians can share. In my understanding, this bill is about research permits and not commercial permits.

In researching this bill and gaining knowledge from the briefings and talking with stakeholders, I formed the belief that the best way we can protect and grow our aquaculture sector is through better understanding it. The best way we can proceed with this is through

passing the bill and joining with the Commonwealth and other coastal Australian jurisdictions in creating this legal framework within which to operate. Otherwise, we risk being left behind and potentially letting our state, and our waters, down.

A lot of the emails opposed seem to believe this was about commercial salmon farming and industrial fish farms. As we have heard today, it is not. It is about research. I have no reason to doubt this, or to doubt the people who were speaking to us this morning. I believe it was Dr Whittington who mentioned when they are doing the research out on the water, it is on a small scale and then they multiply the factors up to get the results. It is certainly not anywhere on the lines of commercial farming.

As mentioned earlier, it is an enabling act, setting principles in place. It cannot be for commercial return. This bill does not give a green light to offshore commercial farming. I support the bill.

[12.21 p.m.]

Ms RATTRAY (McIntyre) - Mr President, the member for Windermere and I were sitting outside, as we were prepared to take a pair for the debate and the proposed adjournment for this bill. We were not sure which way it was going to go, but here we are - the House in its majority have decided that we proceed. That is what we do here when that vote has been taken - we just get on with it.

I am here to make my contribution. I also had a number of those emails to read into my contribution. I am not sure which ones were left to be read but I have one or two that I intend to refer to in my contribution on this important bill. When we are talking about any effects on our environment, whether it be land, sea or air-based, we need to take it seriously. I believe that we always do so in this House. I acknowledge and understand the concerns put forward by the three members of the subcommittee of the finfish inquiry. I respect their decision to do what they have done, because we never want the important process in this place of establishing committees and undertaking that really valuable work to ever be undermined. That is why I felt I needed to support their request to wait that extra two or three weeks. However, that is not the case. The majority of the House has decided and I respect that.

I agree with the member for Launceston that this is not about establishing a finfish industry in Bass Strait. This is about the research that needs to occur. When I was considering whether I would be supporting this, I recalled that we have often talked about the fact that research has not been undertaken before something is allowed to occur or something is put in place. I believe that this is a really important process, regardless of who is undertaking the research. In this case, it is the Blue Economy CRC research and I am also pleased that they are based in Tasmania and have significant partners worldwide. Ten universities are partners in this CRC. It speaks volumes for the work it must be undertaking. Some of it sounded pretty exciting.

I know the Leader was very excited about the seaweed because of the methane opportunities in the future. We hear a lot about that in agriculture, and we know that she is the farmer in the House. There are some exciting aspects.

Mrs Hiscutt - My adviser this morning was munching seaweed crackers, so there are food opportunities also.

Ms RATTRAY - I have seen those seaweed crackers - if you do not mind I would rather have the Cheds. I am not sure where my contribution is going to go now, but anyway I will try to put myself firmly back into the really important aspects.

As we were told this morning, they are looking to involve part of their trials - their vision is an integrated wave energy converter. Through the briefing session, I certainly appreciated the opportunity to hear firsthand from not only Dr Whittington, the CEO of Blue Economy CRC, but also those people who presented to us who were firmly opposed on behalf of their various organisations and communities against this proposal. Also, as always, the department is well versed in what they put forward to the parliament.

I recall the former member in the other place, David Llewellyn, was a fantastic supporter of wave energy. Would he not be excited about the research to be undertaken through a wave energy converter? David Llewellyn was very forward thinking when he was in this place and I am sure other former members of the parliament would agree. At the time he was the minister for agriculture and he had big portfolios like we still have today for members. That was an interesting thought, and how that might work with a hydrogen project where they use electrolysers, and they are going to import an electrolyser. This company has some significant runs on the board in looking at research and what that research and development might do for Tasmania as being a leader in the research. We know that the Maritime College at Beauty Point would be in the member for Rosevears' electorate. Is that correct? That certainly has well credentialed research undertaken there. Plenty of times you have heard of people who have done marine-based learning at that facility. Again, a terrific opportunity for Tasmania for research. That is what we are talking about here today, facilitating that research.

I appreciated the letter we received from the minister, Mr President. Often we do not have direct contact with the ministers when they put forward legislation. From time to time they do visit the committee rooms, particularly if there are some curly questions the department is not able to answer when it talks about policy. There are always questions for the Government and the minister of the day.

I acknowledge and thank the minister for providing that contact. In his correspondence it says: 'The Bill is an enabling amendment'. That has been firmly placed in my mind during my consideration of this legislation. It is an enabling amendment. It talks about how it ensures Tasmania can enter into an arrangement with the Commonwealth for aquaculture research projects in Commonwealth waters. The research projects will be time-limited. Research activities, not commercial scale farming. Further legislation will be required before commercial scale farming would be possible.

It goes on:

> This is a considered step in taking forward the National Aquaculture Strategy through an evidence-based, scientific approach.

It goes on:

> My Department, in consultation with the federal Department of Agriculture, Water and the Environment has prepared a briefing note on the Bill and complementary arrangements.

'This is enclosed for your information' and it actually provides a copy of the consultation papers of 2021 and feedback on the draft amendment bill, the MOU signed by the Tasmanian and Australian Governments to support the National Aquaculture Strategy, some information from the Department of Aquaculture, Water and Environment consultation on the proposed trial area and also a link to the Blue Economy CRC in regard to information on their website. That was useful and certainly the information provided was useful.

I did ask the question through the briefing stage, it has always been my understanding - no matter what we do in our states - when it comes to the environment the Commonwealth can come in and overstep with additional layers of compliance. With the MOU in place, does that negate the opportunity for the Commonwealth to come in and put additional conditions on a permit if this passes the House when the permit is applied for that 12 months initially? The member for Nelson had a number of questions on the permit process. I will be interested when the Leader provides her closing contribution to the debate on that permit process. It is really important as those conditions on the permit are going to be integral and key to the community understanding of what a trial looks like out at sea in Bass Strait, off the north-west coast.

I can well understand and appreciate their concerns. There has been no denying some poor examples of what happens when you have significant salmon farming and finfish farming in our waters. Macquarie Harbour is a perfect example of where it was not done well. I say to those people today in this state: we do now truly have an independent regulatory body.

I apologise if the member for Mersey has already referred to it but this was the reason I wanted to address the particular issue. I will not read out all of one of those pieces of contact we have had, but one of the points made:

> Regulation of activity within Commonwealth waters should remain under Federal Government regulation and any commercial research should be overseen by a truly independent regulatory body.

Again, Tasmania should have regulation and an independent regulation process in place. Since we have had the Macquarie Harbour situation there have been significant regulations in place and the regulatory body that oversees is the EPA in this state. The head of that EPA, Mr Wes Ford would not be very happy when he reads that they believe it needs to be truly independent. I have seen Mr Wes Ford undertake his work for many years and there has never been in my time any compromise. When it comes to what is required, that is what is required.

We have put in significant requirements around regulation for the environment over the past few years, through legislation and regulation. I am comfortable with what we have in place and to say that the Commonwealth waters should remain under federal government regulation. We have an MOU put in place so obviously the Commonwealth believes that the structures and rigorous process that Tasmania has in place is adequate to provide them with the opportunity to go into an MOU in regard to this.

I will not read out the name of the person who provided that information but I am sure they are interested and will be reading *Hansard*. To that person, I stand here today with my hand on my heart, and say that I absolutely believe that we do have an independent body that regulates the environment in Tasmania.

I have touched on the permit arrangements and, as I have said, I am very interested in the responses to the member for Nelson's questions.

The fact sheet says this legislation 'ensures that the provisions of the Animal Welfare Act 1993 that relate to animal research apply to marine aquaculture research activities'. That is an important aspect of this, that it has been considered and addressed in this bill. We know that the community does not accept any cruelty to animals. We know that there needs to be research and often animals are used for research but I appreciated that this was included in the bill.

I asked questions at the briefing about the waste and we were shown pictures of waste that comes up on various beaches around the state where we see salmon farming, and finfish farming. That is of concern. We are going to be dealing with a waste recovery bill later and a container refund scheme bill later in the week, so we have a good focus in Tasmania on waste and recycling at this time. We do not want to miss the opportunity to make sure that any waste generated from these trials is dealt with appropriately. I am interested in whether there will be some conditions around waste.

I said by interjection through the briefing process that you cannot direct seals to do the right thing. We have had the opportunity to go to the Huon and have a look at the pens there, and those seals seriously make a mess. I am interested in whether there is any way that it will be addressed through the conditions on the permit process. We hear that 90 cubic tonnes of plastic waste is generated; that is from documentation provided from the companies that work in this space. We do not want to see any more of that. I know there will always be some waste but I am interested in how that is dealt with under the permit conditions.

The other interesting matter is the processing of the research trial catch. How is that to be dealt with? Do they have a trawler out there? I do not want to go down the trawler path again because that was quite painful for all Tasmanians. I remember seeing people driving around with stickers on their cars, 'No trawler,' and big signs and the like. I am interested in how that will be addressed. Or will it be such a small volume of catch that it will almost be one for this person, one for that person?

The secretary of the department talked about the Elliott research station and how the milk produced there is sold to recoup some of the funds that it costs to do the trials. We heard in the briefing that some earnings from the catch could be used to fund the research, because this research will cost a lot of money. I have no idea how much, but it will be significant money. I am interested in having some understanding around that.

This might be a question for the Blue Economy CRC at another time but do they access the smolt, the small fish for the trials, from the existing fish farms? There is one on my doorstep, at Springfield, where they grow the fish to a certain size and then they are taken elsewhere. We quite often see the big trucks full of fish coming from Parramatta Creek and other places to be delivered to the next stage of their journey. They also have one at Cressy. I have all aspects of the industry in my patch and very pleased to have so as well. We could always use some more money though, in research, because the Cressy research station needs a bit of an uplift. I will continue to lobby for that when we get onto the state of the state.

We were going to be provided with a list of the 43 partners. The member for Mersey asked the Blue Economy CRC for that in our briefing this morning. I have not checked my emails to see if that has come through but it is important. I mentioned the 10 universities and

that certainly gave some credibility to the Blue Economy CRC, having those 10 universities. I was also encouraged by the fact that -

Mrs Hiscutt - Through you Mr President, the email came through at 10.24 a.m. You would have been busy.

Ms RATTRAY - Thank you. I think that will be useful. The Leader might be of a mind to table that list. I am sure there is no issue with it. They have an annual report that would clearly identify the 43 partners. I do not have it and will not be able to facilitate the tabling of that paper here and now but I trust that the Leader, or whoever might speak after me, may be able to do so. I think it is important. It shows that there is industry participation as well. If you are an industry stakeholder in a research company like this, you are going to want to make sure that the research that is undertaken is done well and is credible. It is going to influence what you might do as a company in the future, and how you might go about growing your business, or what areas you might focus on. An important part of this morning was learning about the significant number of partners that are involved in the Blue Economy CRC research.

There was criticism from some of our contacts that only two weeks have been allowed for submissions. It goes on to say that this is a very short time to research a bill covering both federal and state responsibilities and which may set important new precedents. In addition, the supporting notes state the research project would be a fixed-term, limited-scale activity but there is no indication of the nature and duration of these proposed activities, and it is difficult to assess whether the bill can meet the Government's stated strategic objectives. I would appreciate comment from the Leader about there being only two weeks for submissions. That needs to be addressed. Normally, I would have thought a consultation process would be two weeks. If it has been targeted at particular stakeholders and they have been able to meet that two-week period, then I do not have as many concerns. However, I would like the Leader to address that point.

Regarding the consultation process, there is a criticism about appropriate stakeholder consultation and who is deemed appropriate. I quote:

> I am an appropriate stakeholder. I live opposite to the expansion by stealth Tassal Plant on Port Esperance. This plant had tripled in size with eight times the lighting disruption of 18 years ago when we moved to the once serene area. Where are my appeal rights? I was here first and why can't I and others like me have a say about what salmon really does to our environment.

The person asks that we please use this opportunity to hear them. I can assure those people that we are here to hear them - that is what we do. However, there will be a process if the research trials develop to the next stage. That is where those people will certainly have opportunity and input. If the lights are shining, as this person says, tripled in size with eight times the lighting disruption of 18 years ago, that would obviously be a big change to the ambience of where somebody lives. I appreciate that would be hard to live with.

To all those people who made contact. There was a lot of repetition, but that is not unexpected when people are assembling themselves in a fairly tight time frame; they only started coming in towards the end of last week. Even if they do not necessarily directly belong to us then I feel sure that all members read what comes into our inboxes. We do not respond to every one because my office and I have other work to do. However, anyone who belongs to

me always receives a response - that is the way my office works. Others choose to do it differently, but it is always appreciated.

The briefings are always useful too, Leader, for the information and the level of knowledge imparted. I had no idea that salmon thrives in less than 12 degrees. Now I know it. I hope somebody asks me that as a trivia question. Yet we were told that the waters of Bass Strait are around 14 degrees in the winter and, of course, higher in the summer. It is an interesting opportunity to learn things that we did not necessarily know beforehand. However, I did not need those briefings, Mr President, to know and understand that there is deep concern in that community about these trials. Please, remember they are research trials, and we are repeatedly asked to do the research before we go to the next step of something.

Here we have a Tasmanian-based company doing the research. At this point in time, I am prepared to support the bill into the Committee stage. I acknowledge the contact we have had from all sides. I will do my homework.

[12.52 p.m.]

Mr DUIGAN (Windermere) - Mr President, I thank members for their contributions on this, and thank all the members of the public, in a concerned community, who have taken the time to express their concerns to us. It is always interesting and instructive when you are getting those kinds of emails. It demonstrates, beyond any shadow of a doubt, that there is plenty of passion surrounding this issue.

I would have spent 20 years as a professional recreational fisherman. I share that passion, and I am keen to see Tasmania's waterways valued and protected, now and into the future. One of the really important aspects of this enabling legislation is that it offers us the opportunity to explore alternate ways to farm fish.

During the briefing this morning, we heard from people who probably live in close proximity to current fish farms, be that down the Channel, or Okehampton Bay. Clearly, there is dissatisfaction for some of those people who live and recreate in close proximity to fish farms. If you have driven down that way, I am sure the fish farms are close. They are a stone's throw away off the shore. If you walk along, you need a particularly trained eye to notice that the rocks look a bit different, or there is a bit going on. This enabling legislation allows us to experiment with farming fish further out to sea. The particular trial that is being talked about is about six nautical miles out of Burnie. That is a distance of about 10 kilometres. My understanding is it would have no visual impact from shore. You would not see it. However, this is a research trial, to see what is possible.

There is a lot of work to be done. The reason Bass Strait is being chosen for this research trial is because of its relatively sheltered nature. It is the big bathtub. It is shallow. Obviously, the west coast and Bass Strait does get a reasonable sea through, but it does not get the monumental swells as you might see off the south or the west coast.

Ms Rattray - I have heard some people who have come on the *Spirit of Tasmania* who have said it has been pretty choppy.

Mr DUIGAN - It certainly does get choppy. You might get a three-metre chop and that is pretty nasty.

The point is, for a research trial, when you are looking to see what is possible - since a lot of this technology does not exist in the world - having a crack at Bass Strait is probably geographically the most doable part of the state. That does not necessarily mean it is the best place to grow, for example, salmon. It might be the best place to grow kingfish, but it might not be the best place to grow salmon. For a research trial, it is probably the friendliest geographic location.

One of the other things to be noted is that the Government has a stated objective to grow the salmon industry. It wants to grow, it is one of those things that generates revenue and jobs for our state.

Ms Rattray - Not a bad product either.

Mr DUIGAN - Not a bad product either. In the current state of Tasmania, the sociopolitical will and the social licence to put more salmon farms close to shore will be tough to find. I think this enabling legislation and research is a way for the salmon industry to maybe recoup some of that social licence. Taking operations out to sea and having much less impact on the communities around which they operate will be a way for that to happen.

There was a lot of chat through the emails coming in about large-scale industrial fish farming happening off Burnie and Stanley. It is important this bill is not seen as that. It is entirely different. It is legislation that enables us to have a look at what some of those options might look like in the future. There will be subsequent legislation required should any of these trials be sufficiently successful to warrant a commercial production in those waterways. That will probably be the time to have those discussions, for people to mobilise their networks and have their say on those things. People in the north-west particularly should feel reasonably confident this research trial does not present them with those sorts of issues.

Another thing worth considering is this particular trial is six nautical miles out to sea. We need to work and research on what the flushing of Bass Strait looks like, what are the potential impacts of the sediments coming from these cages and where they wash up. I am interested to know how far out the tioxide outfall was. I do not know, but I would be surprised if it was six miles out to sea. There is no need potentially in the future that any fish farming operations or aquaculture be constrained to six miles offshore. In Commonwealth waters, presumably we can go 10 to 40 miles if need be to give the people of Tasmania the assurances they need that where they live will not be impacted.

Ms Rattray - Mr President, a nautical mile is longer than a normal mile.

Mr DUIGAN - It is about 1.1 statute miles. 1.8 kilometres.

Ms Rattray - Another one for my trivia night.

Mr DUIGAN - That is the point I wanted to make. This is enabling legislation for research that will potentially enable us to do better. People who feel they are negatively impacted by fish farming of one kind or another can look at this legislation with this positivity because it might ultimately give them back their waterway which they feel has been degraded by aquaculture. It is positive legislation from that standpoint. I will certainly be exploring a bill of it.

Ms Rattray - Can you talk about the last time you actually fished in the Bass Strait?

Mr DUIGAN - I have spent a lot of time fishing in the Bass Strait. I had a lovely time on the island. But I will not go into that.

[12.59 p.m.]

Ms LOVELL (Rumney) - Mr President, I have a brief contribution to make on the bill. As I have said previously, this is a bill I support and will be supporting into Committee. The bill as we understand and the points other members have made are this is a bill that enables research. It is not enabling any commercial operations. It is not setting up commercial operations or an industry in Bass Strait as I know some people are concerned. The member for Windermere made the point -

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

QUESTIONS

Tasracing and North West Track Project Interim Arrangements

Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.32 p.m.]

Tasracing was confident an agreement could be reached for harness trainers to use the Devonport Showground until the North West Track Project was ready for use. A recent media report in *The Examiner*, dated Saturday 26 February, has indicated that harness trainers will be left in the lurch when Tasracing vacates the complex, their current training facility, on 25 March, a couple of weeks away.

(1) What options were put forward at the meeting with the suggested 25 trainers on Thursday 3 March?

(2) What is the time line for the completion of the new North West Track Project?

(3) Does the $16 million project include a training track facility?

(4) Is the Government aware if Tasracing has concerns that without a fast track training facility, industry participants will be forced to leave the industry? Shame, shame, shame.

ANSWER

I thank the member for her questions.

(1) I am advised that at a meeting facilitated by Tasracing on the evening of Thursday 3 March 2022, the industry expressed the need for a 'fast-work' training facility in the immediate short term post the exit of the Devonport Showground. In response to this I am advised the following options for the provision of a fast work track were discussed.

(a) Using the existing Spreyton all-weather track during the afternoon (after thoroughbreds complete training between 5 a.m. and 11 a.m. each morning). Stakeholders expressed the view the Tapeta surface would not be utilised for a range of reasons including unsuitability of an afternoon timeslot and the additional physical workload placed on horses training on the surface. This option will not be progressed.

(b) Tasracing advised they have been in discussion to utilise a private training facility. The majority of feedback was that use of private facility was the preferred option. Tasracing agreed to expedite discussions with the objective of reaching a resolution before 25 March.

(c) Stakeholders queried the ability to use the private parcel of land within the Palmers Rd site to construct a 600-metre training track. Tasracing advised that this was not feasible due to pending site assessments and the need for community consultation and development application approval prior to undertaking any work. Stakeholders indicated a preference to be able to train at the Devonport Showground post exit. Tasracing has advised that at present this was not an option. Subsidies for participants undertaking additional travel were also tabled along with the ability to use the Carrick Park Pacing Club track for training. The use of the Wivenhoe Showgrounds track for training purposes is being explored with the Burnie Harness Racing Club and other users of the facility.

(2) Members of the industry have been involved in a project team that reached agreement of a design for the facility early November 2021. Tasracing commenced community consultation on the design in late November and has taken into account the feedback provided. Consultation is continuing. Tasracing expects to lodge a development application in May with an approximate 12-month construction.

(3) The estimated $16 million project is for the replacement of the racing facilities which are also used by trainers for fast work.

(4) Tasracing understands that the Devonport track is currently used by a number of trainers for fast work. This list below sets out the frequency noting that usage may vary:

- Eleven trainers utilise the track between once a week when young horses are in work to monthly for older horses.
- Three to five trainers utilise the track on a weekly basis.
- One trainer is stabled at the track and has a direct arrangement with Devonport Agricultural and Pastoral Society.

Since the issue has been identified by the trainers, Tasracing has looked at alternatives and will work with the north-west trainers to find possible resolutions.

Metro Buses - Antisocial Behaviour

Mr WILLIE question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.37 p.m.]

(1) How many reported incidents of violence and antisocial behaviour were there on Metro buses in 2021 and in which suburbs did they occur?

(2) Can the Government provide the number of scheduled trips and dropped trips across the Metro network for each day in 2022?

ANSWER

I thank the member for his questions.

(1) There were 296 incidents of violence and antisocial behaviour on Metro buses in 2021.

The incidents occurred in Hobart, Rokeby, Glenorchy, Rosny Park, Bridgewater, Howrah, Claremont, Moonah, Kingston, New Town, Rosny, Springfield, Derwent Park, Gagebrook, Lauderdale, Bellerive, Chigwell, Clarendon Vale, Lenah Valley, North Hobart, Risdon Vale, Sandy Bay, Taroona, Austins Ferry, Blackmans Bay, Brighton, Clarence, Geilston Bay, Goodwood, Lutana, Montrose, Mount Nelson, Mount Stuart, Old Beach, Risdon, Rosetta, South Hobart, Launceston, Mowbray, Ravenswood, Newnham, Norwood, Invermay, Waverley, Riverside, South Launceston, Youngtown, Kings Meadows, Mayfield, Prospect, St Leonards, Summerhill, East Launceston, Newstead, Punchbowl, Rocherlea, Trevallyn, Burnie, Romaine, Acton, Devonport, Shorewell and Upper Burnie.

(2) In January, 127 of 31 874 scheduled trips were dropped. In February 221 of 32 325 scheduled trips were not delivered; and in March, up to 3 March, six of 7340 scheduled trips were not delivered.

Mr President, I seek leave to table a document which has more detail of the dropped trips and have it incorporated into *Hansard.*

Leave granted.

See Appendix 3 on page 88.

LIVING MARINE RESOURCES MANAGEMENT AMENDMENT (AQUACULTURE RESEARCH) BILL 2021 (No. 58)

Second Reading

Resumed from above.

[2.40 p.m.]

Ms LOVELL (Rumney) - Mr President, I just started my contribution before the lunchbreak and had said that it was going to be a brief contribution. I was thinking of the point that the member for Windermere made. It was that this is always a topic that provokes a fair amount of emotion in people and is very close to the hearts of many in our community for very different reasons. There are always going to be people on both sides of this debate who feel very strongly about the position they have taken. I respect that and I hear those concerns from both sides. We all need to do the courtesy of listening to those concerns and taking them into account, and I know that members will have done that.

This bill does not just relate to finfish or salmon. Labor has long supported the salmon industry. It is an important employer in many regions in Tasmania, which would suffer greatly in terms of employment and their economy if that industry was no longer around.

But it must be an industry that is well regulated and we need to be constantly looking for that right balance with maintaining and protecting the environment as much as we can. I understand the concerns that many people have around those environmental issues. But I hope that this bill is the start of enabling research that will contribute to an important industry being able to operate in a sustainable well-regulated way. This is something that we need to be looking at, we need to be making sure that we are enabling this industry to continue to operate, but operate in a sustainable way. We have heard time and again that there are concerns with the current industry. I hope this bill will in some way contribute to furthering research on how the salmon industry and finfish industries can operate in a more sustainable way.

As others have noted, it is not just about finfish; there are other aspects to this research that are important to the state, and fairly innovative. I am very interested in seeing the outcomes of that research. I support this bill and I will finish my contribution with that.

[2.43 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, in summing up, I have quite a few notes and I will work through them. Hopefully, we have all the answers that were asked for.

I was asked for the participants in the Blue Economy CRC. I have a copy here from their annual report. The Blue Economy CRC had 40 participants as at 30 June 2021 but since then there are three more and I have put them in writing down the bottom. Other than what is in this report, they also have Hensoldt, Southern Ocean Carbon Company and Climate Foundation. I seek leave to table this document and have it incorporated into *Hansard*.

Leave granted.

See Appendix 4 on page 89.

Mrs HISCUTT - Mr President, some opening remarks in response to the member for Nelson. I am sure that she will be listening. We appreciate the range of questions. We note some of the other issues that the member for Mersey brought forward so this will cover a few different members' questions.

Respectfully, this bill is not a referendum on salmon farming. I have already stated that the Government will genuinely review the findings and recommendations from the finfish inquiry to inform future policy. This bill enables the ability to consider a permit under fisheries legislation for research for aquaculture.

I note some of the questions the member for Nelson raised pre-empted actual and specific research proposals that were being presented. The Government has outlined the legislative, legal and policy frameworks to manage that process.

There were some following questions here, on consultation about the Commonwealth, consultation on the permits and transparency of permits and environmental management, and fees. That is five questions, and I will start with the answers here.

Where research can occur: marine aquaculture research activities can be carried out where there is a fisheries management arrangement in place between the state and the Australian Government. The potential for fisheries management arrangements in Commonwealth waters relates to part of the Australian fishing zone, essentially out to 200 nautical miles. This is adjacent to Tasmania and beyond Tasmanian coastal waters which is generally three nautical miles from shore.

The proposed arrangements for aquaculture research to be agreed with the Commonwealth will only provide for a limited special area, for example, a defined research zone, with consultation on overarching fisheries management arrangements with the Commonwealth.

The location of where in Commonwealth waters marine aquaculture research activities could occur will be defined in any fisheries management arrangement with the Australian Government. The selection of a suitable area of Commonwealth waters for research would be considered in consultation with other research users, stakeholders and the general public by the Australian Government.

Consultation on the permits: once a fisheries management arrangement with the Commonwealth is in place, to satisfy the requirements of a permit application under the Living Marine Resource Management Act 1995, the proponents of a specific research proposal would be expected to have conducted appropriate stakeholder consultation in preparing and submitting their proposal. Section 12(3) of the act provide the minister with the scope to be satisfied that an appropriate level of consultation has occurred and/or to determine further consultation requirements. Section 13 of the act also provides for consultation with relevant fishing bodies if a proposal is likely to have a significant effect on the fishing body.

It is also noted that often the nature of research activities means the details of those activities can be commercially sensitive and this would also be a relevant matter for the minister. Accordingly, and taking into account the context, scale and nature of any specific research proposal, or proposals, the proponent in submitting a permit application would need to demonstrate to the minister's satisfaction they have identified relevant government, fishing,

recreation and community stakeholders with a direct interest in the proposal, describe the issues raised by the stakeholders and how the research proposal has taken the issues into account. Should the minister not be satisfied, the permit may be refused until the proponent has conducted a satisfactory consultation or the minister may choose to conduct additional consultation prior to deciding on a proposal and/or any conditions on the permit.

Transparency of permits: the summary of details of all permits issued for marine aquaculture research activities in Commonwealth waters under a fisheries management arrangement would be published on the Department of Natural Resources and Environment Tasmania website. Often the nature of research activities means some of the details of those activities can be commercially sensitive and this would also be a relevant matter for the information published by the department. Only insofar as to protect commercial-in-confidence information, the Right to Information Act 2009 would also apply.

Environmental management: with regards to the environment question, a permit for marine aquaculture research activities that involves finfish and other potential species would potentially include conditions broadly similar but scaled appropriately to those included in the contemporary environmental licences issued under the Environmental Management and Pollution Control Act 1994 and other regulatory instruments that manage marine farming in Tasmanian waters.

Under the Living Marine Resources Management Act 1995, the minister would be required to consult with the Environment Protection Authority in relation to applications for marine aquaculture research activities. The minister would also be required to incorporate any conditions specifically for finfish farming that the director considers necessary.

Additional requirements may apply under Commonwealth legislation, including the Environment Protection and Biodiversity Conservation Act 1999 - that is a Commonwealth act - and that would be depending on the activity.

Then we were talking about research must not be commercial activity: activities must be for research purposes, not commercial-scale farming. That is an important statement, I might repeat that: activities must be for research purposes, not commercial-scale farming. Marine aquaculture research activities under permit would only be for fixed-term, limited-scale activities. For example, no power exists for ongoing activities to be permitted.

Permits for scientific research generally include conditions which present the sale or transfer of product for commercial purposes. However, while the primary purpose is not commercial financial returns, the sale of fish and/or intellectual property that may be derived from the permitted research activity may be used to offset costs incurred by the proponent in undertaking research activities.

The power under section 13 of the Living Marine Resources Management Act 1995 would be to grant a permit for marine aquaculture research purposes. This means the activity must meet the reasonable definition and purpose of research and involve structured study according to scientific methods.

Research must not be commercial activity. Applications for a research permit will be required to provide sufficient detail as to the nature, scale, area, volumes of products to be produced and farming practices to be applied and other relevant details, as relevant to the

context of specific research objectives, the species of animal or plant involved and overall research proposal. It is intended that permit conditions would be applied as appropriate to the specific marine farming activity to be undertaken in the conduct of the research. Such conditions would be informed by consultation with the Director of the Environment Protection Authority, the Chief Veterinary Officer, Chief Plant Protection Officer, General Manager of Marine Resources and/or other relevant officers in the department and statutory authorities.

On fees, section 14 of the Living Marine Resource Management Act 1995 provides capacity for the minister to determine a fee for the issue of a licence. In setting any fee, the minister might consider the nature and purpose for the activity.

The member for Nelson also spoke about the MOU details - the decision-making process - whether the MOU is public and available. It is general in nature, outlining an objective purpose and areas of cooperation. Relevant decision-making matters may be detailed in the separate MOU that is intended to support the fisheries management arrangements, i.e. expectations on the state.

The member for Nelson was also talking about who monitors and enforces the conditions placed on a permit. A research activity may fall within the scope of several state and Commonwealth laws. Clearly, we are debating amendments to the Living Marine Resources Management Act 1995 and permits under that act will be monitored and enforced under the act. That act is administered through the Department of Natural Resources and Environment.

Other legislation that may be directly relevant includes the Biosecurity Act and the Animal Welfare Act. Commonwealth laws that may be relevant include the Environment Protection and Biodiversity Conservation Act 1999. Each of these acts is administered by the relevant state and/or Commonwealth agencies, with monitoring and enforcement undertaken in accordance with those acts.

Importantly, this is about research activity, not widespread ongoing activities, and as such, monitoring and enforcement would be expected to match the activities undertaken and the scale of those activities.

The member for Nelson also asked about what penalties would apply and transparency on compliance with the conditions. The penalties that would apply would be those that are set under the act. A breach of a permit may trigger a penalty under section 15 of the principal act - the Living Marine Resources Management Act 1995. Equally, an action may otherwise contravene another provision of the act and trigger other penalty provisions or offences under other acts.

The member for Nelson also questioned transparency on compliance with conditions of a permit. It is important to recognise that a permit is an instrument for the facilitation of research and is very different in its scope than the licensing arrangements for commercial aquaculture activities, which for finfish include marine farming licences and environmental licences, the latter determined by the EPA.

The EPA publishes a range of monitoring data and information relating to its regulations of finfish farming. Again, that is a very different scale and scope to marine farming for research purposes that may be facilitated under a permit. Research activity is expected to help to better

understand the environmental characteristics of offshore areas. Members heard this morning, from Dr Whittington, that Blue Economy research outcomes would be publicly available.

The member for Nelson also asked, is the state the beneficiary of the Blue Economy research? The state absolutely stands to be a beneficiary of research, in terms of the opportunities that it creates for Tasmania for the development of offshore aquaculture industries and for research in the state. As the member for Launceston pointed out, it is headquartered in Launceston.

The member for Mersey raised the role of the Marine Farming Planning Review Panel. The Marine Farming Planning Review Panel is established under the Marine Farming Planning Act 1995, and has functions under the act to consider draft marine farming development plans and amendments and modifications to plans. This is primarily a planning function that leads to the zoning of various marine farm developments and the allocation of leases.

The bill before us now extends arrangements under fisheries legislation for research permits to apply in Commonwealth waters. It does not apply to the Marine Farming Planning Act. There are already powers to grant permits in state waters for scientific research and development of marine farming. The panel does not have a role in assessing these permits, and neither is it intended that it would do so in Commonwealth waters.

The member for Mersey also queried the status of IMAS Statewide Finfish Farming Spatial Planning Project. The IMAS Statewide Finfish Farming Spatial Planning Project relates only to Tasmanian coastal waters, whereas this bill is clearly about aquaculture research in Commonwealth waters. It provides information based on scientific data and analysis and it does not make recommendations about future finfish farming expansions. In future, such tools may be developed further to aid decisions about a range of potential activities in our marine environment. Importantly, the IMAS is a research tool and does not set government policy. We have made our policy for the new 10-year salmon plan crystal clear.

We move onto some questions from the member from McIntyre. Could the Commonwealth override a permit condition? A fisheries management arrangement with the Commonwealth ensures that relevant Tasmanian laws can be applied to the activity in accordance with the terms of the arrangement. Commonwealth laws may continue to apply to aspects of the activity, either because they would apply anyway or because of the nature of the activity. For example, the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 applies to protect defined matters of national environmental significance, with its application depending on the proposed activity.

The arrangement with the Commonwealth would be supported by a MOU to guide implementation of the arrangements. The Commonwealth would not have a direct regulatory power of the permit conditions under the Living Marine Resources Management Act 1995. However, any permit would have regard to terms of the MOU. Activity may also trigger assessment with regard to impact on matters of natural environment significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and the provisions of that act, and conditions on any approval potentially may apply.

The member also asked about waste management and marine debris. Research permit conditions specific to the marketing and traceability of gear would apply, irrespective of the species to be researched. The research site would be subject to inspection activities by

government departments for the purposes of compliance management. This would include assessment of infrastructure.

The member also asked about how fish might be harvested. This would be a matter for any scientific research proposal to address, rather than speculate as we consider this bill to create an enabling framework for research.

The briefing note provided by the minister states that an application for that research permit will need to address aquaculture operations, including stock or cultivation; products produced; end users' mooring and infrastructure establishment and deconstructions; and maintenance and tracking of infrastructure. We note that the specifics will be determined by what research and species are proposed.

There were also queries about the two-week consultation period. Consultation on the bill included the Blue Economy CRC; the Institute for Marine and Antarctic Studies; the Tasmanian Seafood Industry Council; the Tasmanian Salmonid Growers Association; the Tasmanian Association for Recreational Fishing (TARFish); Marine and Safety Tasmania; as well as the Commonwealth Department of Aquaculture, Water and the Environment. The public consultation last November ran for two weeks and was widely broadcast through a media release by the minister; public notices in the three Tasmanian newspapers; and the DIPPWE webpage. Key industry stakeholders were directly contacted by DIPPWE. Seven submissions were received through the public consultation process, and those submission and a report on the consultation have been published on the department's website.

I believe that is a fairly comprehensive response and I hope everyone is happy.

Bill read the second time.

LIVING MARINE RESOURCES MANAGEMENT AMENDMENT (AQUACULTURE RESEARCH) BILL 2021 (No. 58)

In Committee

Clauses 1, 2, and 3 agreed to.

Clauses 4 and 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8 agreed to.

Clauses 9 and 10 agreed to.

Bill reported without amendment.

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

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

Second Reading

[3.08 p.m.]

Mrs HISCUTT - Mr President, I move that the Waste and Resource Recovery Bill 2021 now be read a second time.

In 2018, China, followed by other South-East Asian countries, changed their import regimes for recycled materials and introduced restrictions on waste entering their countries. Recyclable waste from Australia was unable to consistently meet the new regime, and stockpiles of recyclable material grew without the means to reprocess them.

The Waste and Resource Recovery Bill marks a significant change in the way Tasmania manages waste. It is part of a policy position that provides a vision for the future of waste and resource recovery in Tasmania. Instead of recyclable materials going to landfill, we want those materials to be diverted from the waste stream and returned to the productive economy through re-use or recycling. This bill will enable that goal and it will result in the creation of new business opportunities and more jobs for Tasmanians.

This bill recognises the value of resources contained in waste, whether it is plastic, glass, rubber, paper, metals, organics, or construction materials. The waste levy will provide a disincentive for businesses and individuals to send recoverable materials to landfill by increasing the cost of disposal in landfill. The levy on waste disposal in landfill will also fund and enable growth in the resource recovery sector to occur - growth that will create new job opportunities for Tasmanians, growth in resource recovery which, through time will reduce the amount of materials that are going to landfill.

In 2018, Australian Environment ministers committed to a number of actions to stimulate Australia's resource recovery capacity. They also endorsed the National Waste Policy: Less Waste, More Resources which is based on circular economy principles. A circular economy does not use a traditional linear model of take resources and make products and dispose of waste. Instead it maximises the value and use of materials and resources at every stage of the life of a product or material.

We need to consider the whole lifecycle of materials in order to avoid waste, improve resource recovery and increase the use of and demand for recycled and reusable products. In order to truly embed these circular economy principles the Waste and Resource Recovery Bill will ensure that all money raised by the levy will be invested back into the waste management and resource recovery sectors. The bill does two key things. Firstly, it creates the Tasmanian Waste and Resource Recovery Board to set strategic directions for waste and resource recovery across the whole of Tasmania. It will do this through a comprehensive waste strategy developed in consultation with a wide range of stakeholders and the community.

Secondly, it establishes a statewide compulsory waste levy which will increase the cost of sending waste to landfill making resource recovery a more competitive option and it would generate funding for the initiatives in the waste strategy. The new Tasmanian Waste and Resource Recovery Bill will be crucial in deciding how the levy funds will be spent and establishing a strategic approach to managing waste and resource recovery across Tasmania. Within six months to the commencement of the act, the board will provide the minister with a

draft waste strategy which will have three key objectives. First, to divert waste from landfill. Second, to maximise resource recovery and third, to improve waste management practices.

Through its waste strategy the board will drive positive change and provide investment direction and support to businesses to really foster the growth of the resource recovery sector across the state. The waste strategy must cover a period of at least three years and must be consistent with the objectives of Tasmania's resource management and planning system. The bill also provides that when the board is preparing the draft waste strategy it must consult with the minister, the local government association, the EPA director and relevant industry stakeholders as determined by the board. The board must also provide an operational plan for each financial year.

The board will be supported by staff and the bill provides that a chief executive officer who is responsible to the board for the general administration, management and business of the board may be appointed. The bill provides for regulations to specify requirements for the provision of information about waste by operators of landfill and resource recovery facilities, thereby providing data to support strategy development and tracking of performance as well as compliance auditing.

The funds collected from the levy will be deposited into a special purpose account called the Waste and Resource Recovery Account. It will be administered by the secretary of the department for certain defined and prescribed purposes. The board will utilise these funds for the purpose of implementing the waste strategy enabling the board to perform its functions and meeting costs associated with its operation. The administrative arrangements in this bill are in place a little different to those outlined in the draft version for the bill that was released for consultation. The decision to strengthen the independence of the EPA has meant that the waste levy will now be administered by the department who will collect the levy funds and enforce the legislation.

Mr President, we have listened closely to the experience of other jurisdictions and we are ensuring that in implementing the waste levy in Tasmania we are maximising the opportunity for landfill operators to claim a full rebate for each tonne of reusable waste that they divert from their landfill to a resource recovery facility. This bill works to provide a framework where there are as many mechanisms as possible to encourage resource recovery.

We are also providing, through this bill, for certain facilities and waste types to be exempted from the levy if there is a clear public interest to do so. We recognise that sometimes it is more important that a waste is disposed of properly and quickly. Asbestos, for example; or during a public emergency, such as floods, or fires, where there is a need to have the waste gathered up and properly disposed of quickly for health and safety reasons. There will be some further information provided in regulations, but we have the ability in this bill to use ministerial orders to quickly respond if circumstances require it.

Interstate experience shows that levy avoidance is a risk. The bill sets clear obligations and provides for appropriate offences for illegal avoidance behaviour. I say illegal avoidance behaviour, because the desired levy avoidance behaviour is to reduce the amount of waste produced, re-use waste where possible and to maximise waste that is diverted to resource recovery.

It will be important for landfill and resource recovery operators to comply with the requirements, including operating in accordance with ministerial standards and guidelines issued by the secretary. This will ensure an even playing field across the state.

We understand that the new arrangements will require a period of transition for relevant operators. That is why we are planning a 'levy readiness' support package to assist relevant operators to make the necessary changes to their businesses. We have already started working closely with affected operators to help them understand the proposed new arrangements and obligations, and are supporting them with the anticipated transition.

Parts 3 and 4 of the bill will not commence until proclamation. This will allow for the implementation requirements of this bill to be finalised once it is approved by parliament.

We listened to local government during consultation on the bill, and agreed to modify the levy commencement date to coincide with the financial year.

Further, you will note that we are proposing administrative amendments to set the levy starting rate to ensure certainty for local government when setting their budgets over the next few months, rather than wait for regulations. Once the bill is approved we will move to proclaim the start date for the levy arrangements as 1 July this year.

Regulations will be developed and finalised as quickly as possible once this bill is passed. You may be aware that the Government has already started talking to local government and operators of directly affected landfill and resource recovery facilities, about the possible detail of the regulations. The regulations may require further changes, especially if our discussions here in this place identify further issues that need to be considered.

Once this bill has passed, the Government will move quickly to establish the board so that it can get started on developing Tasmania's first waste strategy, to be a very important milestone for the state. This legislation has a long life and is creating a new future. The provisions of the bill reflect that.

Through the public and targeted stakeholder consultation that have been undertaken in the development of this legislation, we have modified some of the aspects from what was in the draft bill. There were 31 formal submissions received in the public consultation period, which included the views of local government, regional groups, industry representatives, waste and resource recovery operators, commercial and not-for-profit organisations.

I thank all those that took the time to be involved in this improvement process. This bill before us now reflects that valuable feedback that we have received. I note the economic modelling undertaken for this bill, and the significant benefits to the community it revealed. The minister's department engaged consultants who modelled a variety of scenarios and found that the optimal waste levy rate for Tasmania is $60 per tonne of waste disposed of in landfill.

This levy amount will be introduced in a staged manner to prevent price shock. This will allow alternatives to landfill disposal to be developed before the levy reaches the full $60 per tonne rate. When the waste levy is introduced, it will start at $20 per tonne. Through the proposed settings in the regulations, it will increase to $40 per tonne after two years and to $60 per tonne two years after that. These rates will be expressed as fee units so that the rates are maintained in real terms through time.

The consultants' modelling show that the waste level may support 130 new full-time, ongoing positions in the waste and resource recovery sector once the maximum levy is reached. They projected that the total waste levy collection would reach $8.3 million in the first full year of operation.

Their modelling also showed that the levy is expected to deliver a decline in landfill disposal of around 210 000 tonnes per annum by 2030-31. This means less resources lost to landfill, less land used for landfill, and, in the case of organic waste, the production of less greenhouse gases. This will have significant benefits for Tasmania's environment as well as its economy.

Mr President, the consultants estimated that 120 000 tonnes of recyclables will be diverted from landfill and predict that it would drive more than $10 million in investment in the recycling industry. The state Government recognises that this legislation will present challenges for landfill operators and resource recovery facilities as they adapt to it. Hence the education and awareness campaign and the support campaign that will be delivered.

This Government also made a commitment that we would replace the revenue stream that the current voluntary waste levies provide to some regional waste groups.

The Minister for Environment has stated some important principles the Government would be applying, and I want to reiterate those important commitments here.

No regional waste management body will be worse off with the transition to a statewide levy. All regional waste management bodies will be treated consistently. All regional bodies receiving funds from the statewide levy will be accountable for the use of those funds in accordance with the Waste Strategy.

In addition, the minister acknowledged the unique circumstances of King Island, Flinders and West Coast councils. It remains the Government's expectation that these councils will participate in the levy under special arrangements that ensure they are net beneficiaries of the levy, to assist them to invest in waste management options that help overcome the disadvantages of remoteness and scale faced by these communities.

Members may also be aware that the Government has recently collaborated with these remote councils to identify critical resource recovery infrastructure needs. We have applied to the Australian Government for matching funds to ensure delivery of the identified infrastructure for these communities.

This bill presents a substantial change, which is a huge positive for Tasmania. It will achieve a fundamental shift in the way we view waste - not as waste but as a valuable resource. It will grow our resource recovery industry, thereby creating jobs for Tasmanians.

Mr President, I commend the bill.

[3.24 p.m.]

Ms LOVELL (Rumney) - Mr President, Labor supports policies that will reduce waste and encourage members of the community, councils and private industry to change their practices to reduce their production of waste.

The question is, will this bill achieve that aim? I am not convinced that it will. Perhaps that is not the aim of this bill. Indeed, we have heard from the Leader about the two key aims of the bill and what the bill will achieve. But if that is not the case, then I believe that this is a massive missed opportunity.

What this bill will do is impose an additional cost on households and businesses for household waste collection and management and for disposal of waste at the tip, with no incentive for reducing that waste.

Councils will pass on the cost of the levy through their rates to households, at a time when households are struggling. Rents are going up, petrol prices are higher than we have ever seen before, cost of living is increasing at a time when wages are not keeping up. I understand the modelling shows an expectation of a modest increase in rates, but let us be realistic, even a modest increase in unaffordable for many Tasmanian households. One of the key concerns I have is that there is no incentive to reduce your household waste with the imposition of a levy like this. You could be doing everything within your power to reduce the waste you produce - recycling, compost, making decisions about what products you purchase - but you will pay exactly the same levy as your neighbour, who might be doing nothing at all to reduce their waste and producing three or four times as much as you do. How is that fair? Would it not be better to have policies that empower people to manage their household waste and their household budget and reduce the impact on the environment in the first place rather than policies that solely deal with the financial cost of managing waste?

I am also concerned about the impact this could have on illegal dumping of household rubbish and the Leader touched on that in the second reading. Just this last weekend I attended an event called Clean the Plains in my electorate in Clarence Plains as part of Clean Up Australia Day, an event I attend every year. A number of community groups and organisations, along with the neighbourhood centres in Clarendon Vale and Rokeby and the council organise these events every year. Waste management is a really big problem in Clarence Plains and a huge focus of grassroots community organisations - like One Community Together, they have a working group that deals mostly with this issue - who put a great deal of effort into dealing with this problem. Every year, the amount of household rubbish that has been brought into Clarence Plains and dumped is shocking. It is not as obvious when you drive through every day, but I saw this myself last weekend and I see it every year as mattresses, whitegoods, furniture, as well as garbage bags full of ordinary everyday waste were pulled out of bushes, empty paddocks and roadside ditches. This indicates to me households are already struggling with managing their waste and I believe that is largely due to the costs involved already.

If you are in a large household and need a bigger wheelie bin to accommodate your rubbish, you pay more for that. If you fill your bins and need to take a load to the tip, you pay for that. For some households, this happens on a weekly basis. If you overfill your wheelie bin and cannot quite cram the lid shut, it may not be emptied in the kerbside collection. Understandably, I believe that is a safety issue. But then you have another week or fortnight's worth of rubbish to dispose of while it continues to accumulate, so what do you do? Take it to the tip? You pay for that. These are costs that cannot be afforded by many, so they take their rubbish and they dump it in the bush. It happens all the time. I had a trailer load of household waste dumped on my block while I was waiting to build my home. There is a very real risk that increased costs incurred with waste management through the application of a compulsory statewide levy imposed on households and through tip fees will make this problem more prevalent.

I also have a question about how community organisations will be impacted. The Clarendon Vale Neighbourhood Centre in my electorate regularly provides a skip bin for the Clarence Plains community - they call it 'hard to skip' - for the disposal of hard waste that cannot be collected as part of their regular kerbside collection. This is a community that relies heavily on public transport. ZThey are not often able to take their own hard waste to the tip and it does accumulate. This is a facility the neighbourhood centre has taken it upon themselves to provide. It is an extremely popular facility, so popular that it started as a one-off and has become a regular event. They do an excellent job of maximising participation, providing a skip bin for the community to use then disposing of the waste collected.

My question for the Leader is whether organisations like this have the waste levy imposed on these projects, or whether there is an exemption they can apply for and what the process for that might be. I am sure the Government realises these organisations do not have overflowing budgets to cover these additional costs and it would be a great loss to the community if these projects and others like them would not be able to continue.

As I said at the beginning of my contribution, I am not opposed to a waste levy and I am certainly not opposed to policies designed to reduce waste and to minimise the waste that ends up in landfill. What I am opposed to are regressive levies and taxes that are a cost to those who can afford it the least. It might not be much for me, or for those of us fortunate enough to be in secure, well-paid work, to pay a little extra in my rates towards waste management, but let us not forget to recognise our privilege.

There are alternative models such as the model adopted by the Queensland Government. A key component of the Queensland policy is outlined on its website under the heading No Direct Impact on Households and I quote:

> The Queensland Government has committed to ensuring the levy has no direct impact on households. To deliver this, councils receive annual payments to offset the direct costs of the waste levy. The formula for calculating these annual payments is set out in the regulation.
>
> Councils are also provided with an additional payment to offset the direct cost of the levy for households with a council commercial waste collection service not covered by this arrangement. This includes caravan parks, manufactured home parks, retirement villages, boarding houses, gated communities and rural residents with commercial bulk-waste arrangements.
>
> Proprietors of eligible residential premises with a private waste collection service (i.e. not provided by council) or a mix of commercial and residential use, regardless of who provides this service, are able to apply for funding to offset the cost of the levy to residents.

I believe this would have been a much fairer approach for the Government to take and I am still completely unclear as to why the Government did not take this approach at a time when so many Tasmanian households are struggling.

I cannot support a bill that imposes an additional cost on households for waste management with no ability for those households to control this impost by taking steps to manage their own waste responsibly, when there is an alternative model successfully operating

elsewhere. I would dearly love to see the Government take a more holistic approach on these environmental matters, an approach that not only achieves the environmental objectives but works with communities to empower them to lessen their footprint in the first place.

I am not opposed to the concept of a waste levy but I am opposed to an unfair compulsory levy being imposed on all households regardless of their waste production. Therefore, I am opposed to this bill.

[3.32 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I accept this bill is an important feature of Tasmania's future management of waste and recyclable materials, as I have discovered during my time researching the container refunds in legislation. There is a lot of money to be made in the waste management industry and a lot of very vested interests at stake. A levy is a tax and a tax is a levy.

In addition to that the way we manage large-scale recyclables has an indelible effect on the direction of where our planet is heading in terms of climate change. We have known for some time that if we do not improve our management of these recyclables and proper management of our landfill facilities we cannot hope to be in a good position in the years and decades ahead. There is no reason why we cannot turn waste management into opportunities. I truly believe that proper waste management can be a road to growth and not just an unavoidable expense, but we need to create the right opportunities for Tasmania and Tasmanian taxpayers.

The policy which informs the Waste and Resource Recovery Bill borrows heavily from circular economy principles about which we are hearing more and more. True to the ethos of recycling, it is about maximising the values and use of materials at each step of its journey. It is recycling materials through uses and not a linear process of creation to destruction. Of course, it depends on how willing people are to engage in circular economy principles and encouraging a change in behaviour is arguably one of the most difficult things to do.

Typically, it can be done by rewarding good behaviour such as we see with the container refund scheme legislation and discouraging undesirable behaviour such as through a waste levy. I note the Local Government Association of Tasmania has indicated support for this bill. According to LGAT the lack of a statewide landfill levy has created a market environment in our state where resource recovery has a limited capacity to compete with landfill. The low landfill diversion rates result in a low economic benefit from the waste and recycling sector and the loss of the value of recoverable resources.

While I entirely support the principles which inform waste management policy in legislation, such as the container refund scheme and this Waste and Resource Recovery Bill, I want to ensure it is done with a good degree of financial responsibility and does not unduly penalise Tasmanians who are already under immense financial pressures. I want to know if this bill will cause rates to rise and what is deemed a reasonable cost for these measures to ordinary Tasmanian families and businesses. Tasmanians have been through enough external shocks through the past two years, and these are not easing up, with petrol prices rising, rents through the roof and with a likely interest rate rise in the not-too-distant future. I am not sure if waste management is a huge priority for the average Tasmanian at the moment. It is a hard sell to say that people will be saving money later on when many are struggling now.

Moreover, with increased waste levies, what measures will be put in place to deter illegal dumping? Even now, with our reasonably low waste disposal costs, we see a tremendous amount of illegal dumping. I do not see this being ameliorated by making its lawful disposal more expensive. What specific measures will be put in place to both deter illegal dumping from occurring in the first place and adequately fining or imposing sanctions on those who are caught doing it? How much will these measures cost to implement?

I note in the briefing, and the Leader, or the Deputy Leader, will correct me if I am wrong, that extra support would be put on in some areas, particularly national parks, to help to collect this illegal dumping. But a lot of the illegal dumping I see is not in national parks - it is on the side of the road or it is a bin at a local park where people have left their rubbish.

I can recall from my time on council that a lot of the cost to the council was going out and collecting illegal dumping. One concern I always had with council, and I often voted against, was when they were increasing tip fees. To me, making it more expensive for people to dump their rubbish was counterproductive. It only took the money out of a different area. Our other council people had to go and pick it up.

I am sure that many people do not want to dump. A comment made at the briefing this morning was that some people will dump regardless of the cost of the tip. That may be the case but I am sure on many occasions people do not want to dump their rubbish. Perhaps it is just outside the remit of many people. I am concerned with the cost going up.

Finally, I note that this bill seeks to establish yet another board. Members here will appreciate that I like to keep an eye on the many boards and board members that Tasmania's taxpayers furnish very comfortably. I ask the Leader why we need to create yet another skills-based board for this initiative when there is likely the right kind of expertise vested within the department, not to mention a CEO and staff. Moreover, what is the anticipated annual cost for this new board and staff? I have noticed in the bill that there will be a local government member. Will the local government member be paid as well?

I wish to note my concerns around the costs this will have on Tasmanian taxpayers and ratepayers, the certainty that the Tasmanian Government has that this bill will achieve its stated goals and how it will be responsibly structurally managed.

I have one further question for the Leader. In the second reading speech, on page 3, in the fourth paragraph from the bottom, it states that the modelling projected that the total waste levy collection would reach $8.3 million in the first full year of operation. I am assuming that is the first full year when the optimal waste levy goes up to $60 per tonne. That is when it is still only $20 per tonne?

Mrs Hiscutt - Yes.

Ms ARMITAGE - So, we are expecting that it is actually going to be up around $24 million when it is up to $60 per tonne?

Mrs Hiscutt - I will seek an answer for you.

Ms ARMITAGE - It would be good to know because obviously someone is paying for this.

[3.39 p.m.]

Mr VALENTINE (Hobart) - Mr President, the idea of a waste levy has been around for a heck of a long time and I know local government was not very excited in the first instance going way back. It seems they have changed their tune a bit. The council that is in my electorate is half a council, not like the member for McIntyre who has four or six councils.

Ms Rattray - Six.

Mr VALENTINE - The member for Nelson and I share the same council. She also has another.

I know the Hobart City Council is in favour of this. In questioning them, they showed their support for it. They believe it is workable and has significant benefits for waste stream management in the city.

When I deal with stuff at home there are various things that frustrate me in the waste system and that is always having to separate out soft plastics and taking them off to the supermarket, rather than being able to put them in the recycle bin. It seems that only supermarkets have a solution for soft plastics. But then you get to your little cat food sachets, which look like they are silver foil but they are plastic. Are they soft plastic or hard plastic? People do not know what to do with those. I put them in the soft plastics container and let them sort it. It may well go to landfill at the end and I would hate to think they do, because if you think of the number of cats being fed out of those sachets every day, that is a lot of plastic containers going into landfill. No one wants to do that. I do not want to do that.

Your newspaper wrapping, if you still get that delivered, that goes into the soft plastics. Well, I put it there but I do not know whether it is something that should or should not go. Perhaps I need to educate myself a bit on that. But there are all sorts. Polystyrene: who enjoys putting polystyrene in the garbage bin? They will not take it in the recycling bin.

Ms Lovell - There is one facility out at Bridgewater, a craft business that says it will recycle your polystyrene if you bring it to them.

Mr VALENTINE - There is not a great incentive for the general household to travel to Bridgewater to do that. I am glad to know it exists; I might in fact do that.

Ms Rattray - If the member could bring it to Dorset, they recycle polystyrene.

Mr VALENTINE - There you go. Some do, some do not, it is not consistent.

I see a benefit in the waste levy in the sense that it gives a bucket of money to be able to tackle some of these issues in the state so that we can get some consistency.

I have a concern that councils can choose what they charge at the waste management facility for hard waste, whether it be metal, fridges, TVs, all those sorts of things. But it would be great to get some sort of consistency so that Tasmanians are treated the same regardless of where they live.

The Government is going to be collecting this money through the levy. I would like to think that it is quarantined for waste and cannot be accessed by government, like the Solicitors'

Guarantee Fund being raided for various legal purposes, funding various things. That might be seen as legitimate and I am not going down that path. But the fact is that when we collect funds like this, it is nice to think that it goes to exactly the purpose for which it was collected.

I do not see a lot of individual household incentives in this. It was described on the radio this morning, it might have been the member for Elwick -

Ms Lovell - No, it was one of the lower House members, the member for Franklin.

Mr VALENTINE - Okay, anyway, it was somebody describing that you might reduce your waste and increase your material in your recycling bin as diligently as you like - half a bag of waste that cannot be put elsewhere, cannot go in your FOGO bin and it cannot go in the recycling. The person next door can absolutely fill theirs right up to the brim and they are both getting charged exactly the same for this service. It is an interesting point. It will be up to individual councils as to how they approach the charging, but that is a bit of a problem. There is not a great individual householder incentive to do the right thing because the person next door does not pay any more than you do and why would you bother. Well, you bother because you have a conscience. A lot of people might not have a conscience.

There is that aspect. It would be great to see some of the money collected from this going into sorting out how that incentive might be applied to individual households. It would be good to see some of that money going to working with the companies that produce the packaging on equipment to get some covenance going so that they do their bit to reduce packaging which is a problem.

The Government is doing an amount of work in the plastics area and I am pleased to hear of the progress being made. I am not sure about the time lines yet. I have some information to come back, but there is something being done about it by the Government and I appreciate that. But we need to look at these things holistically. The waste levy will give us the opportunity to be able to do that more appropriately and hopefully we will get a better outcome at the end of the day. When rates rise to cope with this levy, the household is going to say that council is putting our house rates up again, when in fact it is a Government levy. It is like the fire levy.

Councils get it in the ear every time. When I was Lord Mayor of the Hobart City Council, we specifically put a notice in the rates notice that said this component is not ours, this is a government charge. No doubt that might occur through this in certain ways if the council has to take measures to improve things. Whether that finds its way through to the rates, it will be interesting to see.

I support the bill. It may not be perfect and does not give enough incentive to the individual householder, but at the end of the day what it does do is give a bit of an incentive for local government to improve their game in certain ways to reduce the cost of dumping rubbish into landfill.

[3.48 p.m.]

Mr GAFFNEY (Mersey) - Mr President, it is important for people listening to this debate that they fully understand the Local Government Association, its role and what it does as the peak voice for local councils. This is only a short letter and I should read it in because it expresses why this bill should be supported:

Dear Member,

The State Government released a draft Waste Action Plan (WAP) in 2019 aimed at providing a framework to address waste and resource recovery challenges in Tasmania. Two of the key actions in the draft WAP were the introduction of a waste levy and a container refund scheme. The Local Government Association of Tasmania (LGAT) is supportive of both important actions after lobbying the state for many years for policy action on each of these. The Waste and Resource Recovery Bill 2021 provides the critical framework for the statewide waste levy and strongly supported by the local government sector.

It is strongly supported by that peak body. There are 29 councils and we all know how they operate, but they do and they are representing their communities.

Pricing mechanisms are used internationally and in most Australian states to achieve targets for diverting waste from landfill and to help fund waste reduction activities. The application of a landfill levy is widely held to be the most effective financial lever to divert waste from landfills into resource recovery activities, provided the quantum is sufficient to encourage behavioural change.

In the absence of a statewide levy, Tasmanian landfill prices are amongst the lowest in the country and low landfill prices equate to poor resource recovery. This lack of a statewide landfill levy has created a market environment in our state where resource recovery has a limited capacity to compete with landfill. The low landfill diversion rates result in a low economic benefit from the waste and recycling sector and the loss of a valuable recoverable resource. Importantly, resource recovery operations employ more people and require greater investment in infrastructure per tonne of material process compared to landfills.

We welcome the commitment from the Government that the funding collected through the introduction of the levy will be fully reinvested for use in waste minimisation and resource recovery, a full hypothecation model. This is unusual in an Australian context. We also welcome the proposed waste levy support for the regional resource recovery activities of regional waste authorities and recognition that the two Bass island councils -

and I think you mentioned the West Coast Council -

and their communities require particular dispensation with the introduction of a statewide waste levy.

With a proposed commencement date of 1 July 2022, local government looks forward to the State Government commencing engagement with our sector soon on the important regulations to enable the smooth implementation of the levy.

For those around the table, the member for Hobart who mentioned this has been in local government land for a long time and they have wanted some unified action: here we have it and I am surprised not all people in this place are supporting their local communities as represented by their local councils. I congratulate the Government and their work on that.

The other letter - and I am not sure whether people received it - is from Reloop. It is not very long but it is important. They mentioned that:

> A waste levy is an essential environmental, circular economy, waste and recycling reform. Tasmania is the last state without such a legislated levy and the model proposed is good for the community and industry.
>
> Why is a waste levy so essential? A price on landfill disposal: sends a signal to divert waste from landfill to recycling opportunities, allows a price advantage to be applied to recycled commodities over their virgin competitors, creates new businesses to achieve these aims as these new recycling businesses offer a cheaper disposal option (recycling rather than landfill), generates new green jobs in the recycling economy, generates much needed funds for the state Government:
>
> (1) To offer subsidies and grants etc. for new recycling and recovery infrastructure.
>
> (2) To access federal and industry matching grants, including the $190 million Recycling Modernisation Fund (RMF) of which Tasmania could access around $3 million. The RMF requires 1/3 state, 1/3 industry and 1/3 federal funds, so up to $9 million of investment could occur in Tasmania from this fund for new recovery and recycling infrastructure for these grant funds and have legislated 100 % hypothecation of the levy funds to waste and resource recovery. The state Government needs a source for these funds unavailable through general revenue and the federal government have estimated activity stemming from the RMF and associated programs could generate about 300 new jobs in Tasmania alone.
>
> The impact on households, according to government modelling from Urban EP, per annum is $7.67 per person or $18 per household.
>
> For all the jobs and economic benefits, not to mention the environmental, greenhouse gas and other savings, this is good value noting, of course, costs are borne by ratepayers (homeowners) rather than renters or public housing occupants.
>
> Additionally, waste levies applied to council disposal also encourages this level of government to institute programs around municipal waste avoidance including food and organics (FOGO).
>
> Tasmania is making some positive strides in waste diversion from landfill and resource recovery, including the container refund scheme, plastic bag

bans, Hobart Council bans on single-use plastic items and the waste levy is a natural and long-overdue step in this direction.

From both of these pieces of correspondence I have confidence the Government is heading in the right direction and we should accept and adopt. No doubt, there will be teething problems, as there is with every piece of legislation and that comes back to this place to be changed.

I will ask for further explanation about the 20-40-60 over three years - we know in recent times, with what is happening with the price of materials and labour and so forth - whether that 20-40-60 is a long-term project. My only question would be what process is there to go back and address those figures, in case something happens where they need more funds per year or it is over-budgeted, for example. What mechanism is there to reassess the 20-40-60 if it is not addressing the concerns or perhaps overcompensating in some places?

On the whole, I fully support what the Government is doing here, and I take the recommendation from local councils and the Local Government Association of Tasmania (LGAT) as their peak body representative.

[3.55 p.m.]

Ms RATTRAY (McIntyre) - Mr President, this is another piece of legislation where it is hard to argue against the principle; but the devil is in the detail. I am not convinced we need a significant board to administer this. I will be interested in more detail on the discussions local government had about the establishment of a board to do the handing out of this significant amount of money, which we have heard in the first six years is going to grow to about $24 million. That is a lot of money for an organisation, a skills-based board. They will have to take all their costs out of that, and we know that staff levels grow because you need somebody to market that, you need somebody to research this, you need somebody to do that other job over there; and it grows. Then, all of a sudden, we have a very top-heavy organisation, and there is not much money left for the actual implementation of some of those really significant programs that have been talked about here.

I need some more convincing around the model that is being set up, because I am not sure that just establishing a board that will decide on what sort of activities are funded and where infrastructure money is put into, is best serving our communities. I understand that local government has a lot of work to do; but I consider that waste is part of their core functions. Whatever happened to the three Rs - roads, rates, and rubbish?

I am not opposed to a waste and resource recovery levy, as such, but we do not know where this is going to end. Twenty dollars a tonne for the first two years, $40 a tonne for the next two years, $60 for the two years after that, and it goes on. To think that it is not going to be passed on to people who own homes is somewhat naïve, in my mind. If you have a rental property, and you are going to have to cover this, you are going to have to put the rates up, and therefore the rent is going to go up. We all have heard about the scenario that the member for Hobart put forward about some being very responsible householders, and others not so responsible in this area.

I suggest there is some more work to do on this. I feel it is not the best model, and it would have been good to have a look at what other options were put forward to local

government. I hear what the member for Mersey says - there is a glowing endorsement from local government. They are looking forward to getting started and putting it into their rates:

> With a proposed commencement date of 1 July 2022, local government looks forward to the state government commencing engagement with our sector soon on the important regulations to enable the smooth implementation of the levy.

Of the tax. A levy is a tax, and a tax is a levy. The member for Launceston hit the nail on the head.

In the information we received from LGAT - and it would have been nice to have received it a bit earlier than 10.24 a.m. this morning; they obviously have other things on their plate - it says here, and I quote:

> We also welcome the proposed waste levy support for the regional resource recovery activities of regional waste authorities and recognition that the two Bass Island councils, and their communities, require particular dispensation with the introduction of a statewide waste levy.

Does that mean that they do not pay?

Sitting suspended from 4pm to 4.30pm.

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

Second Reading

Resumed from above.

Ms RATTRAY (McIntyre) - Mr President, prior to the afternoon break I said I wish to understand what other model could be used without having to establish a board arrangement. What work was undertaken by the department to actually have something like this where there can be some overarching policy for a waste and resource strategy for Tasmania without establishing such an entity as a board and all the personnel that go with something like that? As I said they become bigger than Ben Hur and do not always necessarily deliver outcomes that the community embrace. I would like to understand that more.

I am also concerned that there is not any incentive for the reduction of waste to landfill, because it will already be on your rates as a householder. Why would you go the extra mile to do the extra things you need to do because you will not save any money by doing that? There does not appear to be any incentive to decrease that. We have always heard from the time we have been talking about waste in this state that you need big companies that generate the waste that we end up purchasing and taking home. They do not have any responsibility.

That has been spoken about for a long time, that it needs to be a whole of country discussion, not just a state of Tasmania discussion. What is being done at the federal level with that? When ministers go off and have their state meetings with their state counterparts I would have thought that would have been something on the discussion list to look at how we

encourage manufacturers to reduce their waste. We all know how many times something is put inside something with all that polystyrene that sits around it to help protect it, we understand that. But in this day and age, some of the packaging now is blown-up plastic and once you let the air out it becomes quite compact.

Mr Valentine - Discombobulated cardboard?

Ms RATTRAY - Is that what it is called? It has air in it and is used as packaging. There are a lot of things to consider, but just banging in a board arrangement and finding enough skills-based people to be part of that board - it will not be $8 million in the first year because look how much it costs to establish these organisations. Why could it not start off in the department and see how it goes? You will not be shelling out a lot of money for initiatives in the first couple years because you have to let communities and local government areas work out what they need for a start.

It could well be that my Flinders community decide that they need a new glass crushing facility. They already crush glass on the island. They could well need something like that in the future and that might be something replicated around the state.

To suggest we need this overarching body straight up is not going to be necessarily well received in the community. They will just see the price of getting rid of your waste go up. Council will say, 'it is not our fault, state Government put the levy on. Go and talk to your local member, they are the ones that have done it. We will be taking it for them but we will need some money to take it.' Usually when local government collect a levy, they actually get something out of it. So, there will be some money for council and I do not have any objection to that - they need to collect it and forward it on - but there will certainly be significant amounts of money here. I am not entirely convinced this model put forward is the one Tasmania needs. Just because it is done elsewhere, it does not always mean it is the right fit for Tasmania. We are special and unique. We are the most decentralised state in the Commonwealth so we have to look at things a bit differently at times.

I asked the question around the two island councils and there was also a reference to the West Coast Council at an earlier time. Will the west coast be treated any differently than the other two more isolated island communities? What about the east coast? Oh no, they are different again. I am interested in what is seen to be the particular dispensation with the introduction of a statewide waste levy for the islands and whether that extends to the West Coast Council as well because of their somewhat remoteness from the major centres.

I did note on one of the dot points on the fact sheet when it talks about the bill:

> Allows for the appropriate sharing of information and data between the Board, the Secretary of the Department, and the EPA, to support efficient administration of the waste levy system.

If we are already sharing data with the department and the EPA, then I do not see there is that absolute necessity to set up a board arrangement and it could be done in the department. Obviously, they would have to gather some expertise but that is what departments do. They are experts at the fields they work in. Again, I see no impediment to that.

We have been talking about how this levy will increase, and I recently read a media article that talked about the South Australian example. That particular levy was introduced in South Australia in 2003-04, at $5 a tonne, and it has since grown to $146 a tonne. That is quite alarming, to think that this might continue to grow in Tasmania. We know what happens - the levy continues to grow and the consumer is expected to pay for it.

A couple of members made the point that now is not the time to be imposing a new levy. Many of us will have more to say about the challenges for people regarding housing, but also in business, at this point in time. There are many challenges while we are still working through and living in the COVID-19 environment. Local government may be looking forward to it, but a further impost is not necessarily something the people they represent will look forward to.

That is my offering. It has not really told the Leader where I am going. I will continue to listen to the debate, and I will be interested in how this can be implemented without having to establish a board and getting all those positions in place, straight up.

Can we start off with a soft approach and see where we go? If it gets bigger than Ben Hur, and it cannot belong in the department anymore, then bring it back and we can consider it. As the member for Mersey said, if things need amending they come back to this place and members consider them.

At this point in time, I am inclined not to support the legislation. I know that a waste and recovery levy is inevitable, but I want to see the best model for us.

[4.43 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on this bill and I thank other members for their contributions. The questions that have been asked have been useful and I look forward to hearing some of the answers.

I will comment on a couple of issues, so it is a matter of record.

One of the things that strikes me around this bill is it has been discussed for a long time. There has been quite a process to get to this point and bring the bill to the Chamber. I also note that there is support for the bill from most key stakeholders involved as presenting a path forward for us.

As others have done, I look to the view of the local government sector as an important stakeholder group to be on board with this and in support of it. That sector will have been keenly involved in discussions over a long time, and has clearly arrived at support of this way forward. That is quite meaningful to me when I am considering it, because I certainly have not been delving as deeply, or for as long, into this topic. I will look to others that have.

It is interesting to contemplate the intent of the bill and the consequences of it. Certainly, that reduction of waste by encouraging diversion from landfill is important, and recognised as being something we need to strive for. From looking at the material and hearing from the Government, I understand that we also seek to have a purposeful way forward with new developments and innovation, and to improve the circular economy and find new, effective ways of operating in that space. I recognise that another intent of this bill is to provide channels and funding for that to occur.

There is also, in part, an intent for statewide consistency in approach and impact; although we are aware that different regions - particularly those regions like the Bass Strait islands or the west coast - will have particular circumstances that need to be accommodated. I understand that as this was being brought through to the parliament at the end of last year, negotiations were continuing in order to give those remote regions the confidence that they would be a net beneficiary of the levy and that their particular circumstances would be accommodated. Other members have asked for more clarity on that and I look forward to hearing from the Government in the summing up. Those island communities have special needs and these issues have a different impact on them than for, say, central Hobart, or for the suburbs of Launceston - just to pick examples out of the air.

I was interested in the discussion about change of behaviour and how that is created. Of course, behaviour is complex and we would rarely look to just one thing to change behaviour. A range of factors would typically come into play including education and awareness; incentives; financial cost or penalties; and convenience. All these things come into play when you are looking at behaviour of households, people or businesses and how you help shape that behaviour, or move it in different directions.

This bill can probably be criticised as not being focused on particular sorts of behaviour change and not necessarily being an effective mechanism to drive particular sorts of behaviour change. However, in other ways it is going to be very effective at driving behaviour change. We cannot look to it to be everything in this space to drive behaviour change, but we can look to it as being one of many factors. It does not exist in a vacuum. We are already seeing a lot of innovation and initiatives around the issue of waste in this state. We are contemplating another container refund scheme in this place. If the scheme passes, we will see a lot of change in the waste recovery space just from that new initiative, which will be fresh for our state.

We can continue to expect to see more innovation and development and that will mean we will not look to the waste and resource levy in this bill to be the only factor that is helping to shape behaviour and drive progress and improvement.

There have been discussions and expressions of concern about the lack of an incentive in the bill for households to reduce waste. Where one household may make every effort to reduce waste and the house next door may not, they will be equally subject to the levy via their rates.

I am not convinced that there is a way you could have an entirely user-pays system for individual households when it comes to their waste production, or that it would be entirely desirable even if we were to identify a way to do that. That is a very nuanced space for us to be thinking about. There would be all kinds of reasons that a household produces certain volumes of waste and all sorts of reasons why a household might not be in a position to reduce that volume of waste.

To be simplistic about this bill not having a direct mechanism to incentivise households to reduce waste is potentially an unnecessary criticism. Different factors around behaviour change, ranging from education, promotion and awareness through to incentives, disincentives and convenience can come into play. Should this come to pass and be implemented, along with the other sorts of things happening in the waste space, we will only be looking further forward for how to better achieve those aims of waste reduction within households, within communities broadly.

This is a flat levy. We could also think of it as a flat tax. You can use those interchangedly. Flat taxes or flat levies are regressive in that they have more impact on lower income households than higher income households. They can be problematic for low-income earners. There are cases in which we would always be looking to ensure that taxes or levies are progressively applied, that is, that they are applied according to capacity to pay. We would have a scale that we would apply across income levels to ensure that it is not problematic or overly burdensome for low-income households compared to higher income households.

There are probably a few other cases where a flat levy is applied. I was racking my brain and for some reason I could not land on it. I am not sure if we have a fire service one that is a flat levy through rates. Anyway, there may be some. This one is modest, as it is described in its initial iteration. Just as much as anyone and more than most, I am going to be somebody who stands in this place and raises concerns about cost of living and impact on households that are low-income or people experiencing disadvantage. Most members would recognise that. I am going to be interested to see what happens with this should it pass in terms of whether it does expand, whether the impact of it does become more severe than is indicated in what we are seeing before us now. The level proposed to be set at the outset and across the early stages, as it reaches its full amount as described, is relatively modest. It does not overly concern me in terms of cost of living even for very low-income households.

I imagine it will get passed on to households that are rented and they tend to be our most vulnerable households when it comes to cost of living. If it is paid through rates, the landowner pays it. But if the Government's arguments about their recent land tax relief hold across different sorts of costs, their argument that reducing costs helps rent go down, we have to apply that the opposite way and say increasing costs will potentially make rents go up. Having said that, this is a modest increase for the landowner and potential landlord and, even were they to pass it through to renters, it is relatively minor. It gives me some disquiet but I do not believe that is a reason to vote against the bill.

The concept that we might see significant inflation in this levy across time beyond the initial step through to $60 is concerning; if we see scenarios like other states where, as described by others, we have seen quite an inflation. I would like the Government to describe how we will be protected from seeing that in this state, to give us some comfort on that level.

The levy here is being hypothecated - it is being put into a fund for initiatives under the waste strategy that is going to be developed. It is very positive that we see a waste strategy developed for the state. It is very good to have a purposeful plan to guide progress, drive innovation and provide a framework for investment, then have the levy provide the funding for such investments. That is going to be a positive, proactive way to drive change and progress in the state.

Hypothecating the levy into that account will also provide a secure ongoing source of funding for its targeted purposes. If we had this levy come into revenue general and were allocating resources out of revenue general to the sorts of things to be funded under the waste strategy, that is at more risk of fluctuating year to year in the budget. That would make it difficult to deliver certainty for innovation and change over time. So, hypothecation at least in the initial sense seems a sensible way to go about this.

I am interested to hear about other jurisdictions that have what some would deem to be a better model for our state. I have not heard enough about those as we consider the bill to be

able make an assessment myself. I would presume, and I hope not naïvely, that the lengthy development of this policy and this bill, the consultation that has occurred with many stakeholders who would be well engaged and aware of the things operating in other jurisdictions, would have fed into the thinking and been part of decision-making that led us to here. It may well be that other jurisdictions like Queensland have something more appropriate, but I am not able to make that assessment based on what has been presented to me.

I would certainly consider amendments that would bring us more towards other models that people believe are worthwhile if they were presented to us. So far, I have not seen that.

I am pleased to see that certain facilities or certain waste types can be exempted from the levy if there is a public interest to do so. It is important to have that flexibility there to respond to unexpected circumstances or natural disasters that might crop up. It might also be possible to exempt certain sorts of welfare activities in order to assist people, low-income households or low-income communities to dispose of waste. I hope we see good use of the capacity to exempt, not just for environmental outcomes or to assist in times of disaster but also to ensure equal access across our different socio-economic groups and communities - equal in a sense of their capacity, particularly financial capacity to dispose of their waste. We can use that to help make a more progressive outcome than a flat levy might initially provide us with the opportunity to do.

Others have spoken at length about the creation of the board as a key governance measure within this bill. I am relatively sceptical as others have been as to the need for that, or the advisability of creating that structure. I presume, as others have noted, it would be funded. Its operations and its staffing and its functions will be funded out of this levy. If that is not the case, that would be useful to hear - if there is another way that will be funded. It seems like something that perhaps could be done within the resources of a department or an agency that is already there. These things can end up getting bigger than Ben Hur and a little bit more complex and therefore, more expensive than they may need to be.

I also think they become vehicles for people to be given special jobs, special positions, and that focus can sometimes be unnecessary in terms of the underlying intent and outcomes we are looking for.

Ms Rattray - Especially when you are working with local government. They are the ones that are going to be on the ground here. Why wouldn't the department just work with local government? Why would you need a board? I know that is not a question for you.

Ms WEBB - It is an interesting question.

Mr Valentine - It is just one for us to look at solving later.

Ms WEBB - At least starting from scratch they can get the gender balance right! How about that.

They were most of the group of comments I wanted to pick up on and highlight. I concur and am interested in the responses to some of the other questions raised by other members. No doubt if we get through to the Committee stage, there will be some interesting detail drawn out with questions on particular clauses.

[5.02 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I do have some comprehensive answers here I will work my way through. We will start from the top of the pile.

The member for Launceston asked a question about the estimated amount to be raised by the levy. The first full year is at $20 but for a complete year, it will start in July. So, the investment opportunities. The levy itself will collect $8.3 million in its first full year raising to $17.1 million by 2030-31 to reinvest back into the sector - $17.1 million by the time it gets to $60 a tonne.

I have quite a myriad number of answers to give here.

The member for Launceston. $8.3 million in the first year, raising to $16.8 million per annum after 10 years. The amount raised does not triple because less waste goes into landfill over time.

Member for Rumney asked why the Queensland model was not chosen. Queensland received 105 per cent rebate for the waste levy they were charged for municipal waste in the previous year. While this may be seen as a response to the issue of cost impacts on householders, it could have the unfortunate effect of providing councils and householders with an incentive to make more garbage.

To ensure there is a balanced approach to provide for incentive for anyone to reduce the generation of waste, the increased resource recovery ministerial directions to the Waste and Resource Recovery Board are the appropriate mechanism to address issues that arise. This will allow the board to develop nuanced programs that can be tailored to the specific needs of the issue. For example, the net benefit for the remote councils mentioned in the second reading will be balanced against clear strategies that demonstrate how progress to reduce waste and increase resource recovery will be achieved.

Clause 12 of the bill also includes a range of important functions of the board to support various organisations and authorities. These have been developed specifically so that between the minister and their directions and the board with its waste strategy, there are strategic but flexible mechanisms available to address issues as they arise. Currently $85 to $165 a tonne for the waste levy in Queensland, that is far and above what we are proposing. The Queensland levy has received criticism because of the absence of leadership and conversation with the people about their role in appropriate waste disposal and the true costs of the disposal.

The member for Launceston's question was on tax. The waste levy is a charge on waste materials sent to landfill for disposal. The waste levy is not a tax. A tax is a general contribution collected to the Government's Consolidated Fund for public spending. The waste levy can be avoided by finding alternatives to landfill disposal. The legislation specifies that the money collected goes into a dedicated account and it also specifies the purposes to which the money can be put, all of which relates to waste and resource recovery. This is a unique feature of Tasmania's levy scheme. No other jurisdiction in Australia fully allocates their levy back into their waste and resource recovery sectors.

Tasmania is already investing in waste management resource recovery and recycling opportunities and the community and businesses are funding this through their taxes. Our

Government is investing almost $20 million in the coming years. A waste levy will ensure that those who actually produce the most waste make a greater contribution to the solutions for it.

In future years the funding provided through the waste levy will reduce the need for the Government to spend taxpayer money on growing the capacity to the resource recovery sector. Through the levy, sectors that produce the waste that goes to landfill will be contributing to the creation of alternative processing technologies and the development of new resource recovery markets. This will lead to better outcomes for the environment and greenhouse emissions while creating new business opportunities and jobs in the economy.

The member for Rumney was concerned about the cost impacts on households. It is expected the cost of the levy will be passed onto householders and businesses through landfill gate fees and through council rates. Modelling of our preferred staggered approach of $20 to $40 to $60 per tonne at two-year intervals indicates that the average cost to householders would be $7.67 per capita, per year, averaged over 10 years. Assuming an average household size of 2.3 this is less than $18 per household per year. While lesser levy rates would have a reduced impact on households the benefits were also found to be significantly lower at lower levy rates.

The summary of feedback received during consultation on the draft legislation says and I quote:

> It was also generally accepted that the increased cost to businesses and individuals is necessary to reflect the true cost of waste on our environment and society, and is offset by ensuring that the levy funds are injected back into the community to stimulate the resource recovery sector providing opportunities for economic growth and employment.

That was the executive summary, page 6.

One of the reasons for starting the levy at $20 per tonne is to limit the impact on households. This levy analysis report by consultants, Urban EP, carefully modelled the different options to ensure the balance across the community and wider economy were the most appropriate they could be. The report has been available on the department's website since early 2021. Householders can reduce the impact of the levy by sorting their waste, and ensuring that recyclables and organic waste are taken to a collection point or recovery facility instead of to landfill. Less waste in kerbside garbage means less waste levy to be paid by councils, hence less levy cost to be passed onto ratepayers. There is also opportunity through the work of the board and the implementation of the waste strategy, and additional programs that target households either directly or payments made through councils, to further reduce the amount of leviable waste. We are seeing that now, through the rollout of the Food Organics and Garden Organics (FOGO) waste collection services.

The member for Rumney raised concerns about potential increase in illegal dumping. We acknowledge there may be an increase in the illegal dumping of rubbish, such as in bushland areas. The reasons why some people dump their rubbish are not clear. Logically, there is a link between the cost of disposal and illegal dumping, but for some people it is simply antisocial behaviour. To discourage illegal dumping, the Government has recently increased fines for littering and illegally dumping waste.

The intention is to use some of the levy revenue to further support programs that tackle littering and illegal dumping, including education around the state. For example, the EPA director advised that they intend to establish a unit to bring a particular focus to tackling illegal dumping. The Government intends to prescribe in the regulations under this bill a specific allocation to the EPA for this work. The Government will also continue to work with a range of partner organisations to promote anti-littering and anti-dumping messages. Other Australian states have found there can be an increase in illegal dumping when a levy is first introduced, but this diminishes once people become accustomed to the levy.

The Government will continue a collaborative approach with local government and other public land managers to address illegal dumping. The Government has implemented and is developing a number of incentives to reduce littering and dumping in Tasmania, including increased penalties for illegal dumping; developing a web application that enables reports of littering and dumping to be recorded by users of smartphones, tablets or computers; identifying littering hotspots; and developing a container refund scheme.

The member for Hobart and the member for Rumney were concerned that the bill does not provide an incentive to reduce household waste. The bill, together with the Container Refund Scheme Bill and other waste initiatives, is about providing a framework to maximise the value of our resources and to reduce the cost of waste on the community and the environment. The intention of the levy is to drive changes in behaviour across the community over time. We want all householders to take the opportunity to reduce the amount of waste that goes into their rubbish bin, and to be mindful about where they send their waste. There are two instances where householders may bear increased charges to account for the levy - in their rates for kerbside rubbish collection, and secondly, through landfill gate fees. In regard to both, there are opportunities for householders to reduce or even eliminate levy costs, and these include putting organic waste into a compost bin or worm farm at home; putting the right stuff into the yellow-lidded recycling bin or green-lidded green waste or FOGO bin, where they are available; separating other materials for recycling; and sending reusable items to a charity shop or tip shop.

Funds raised through the levy will allow councils to invest in innovative ideas to reduce waste and increase resource recovery. This all helps to keep valuable resources out of the rubbish and out of landfill.

Ms Lovell - Can you clarify how reducing the amount of waste that goes into the bin will reduce the levy that they pay? That was the question.

Mrs HISCUTT - Because there is less of it.

Ms Lovell - But it's not weighed.

Mrs HISCUTT - I will finish this first and then I will answer that question.

By reducing the amount of waste going into their rubbish bin, householders may be able to choose to have a smaller rubbish bin. In time, the Government hopes that the need for weekly rubbish collections will decline, which would reduce the cost to councils and therefore ratepayers. Where local communities are moving in this direction, they may wish to collaborate to talk to their council about opportunities to reduce the rubbish component of their rates.

The more we avoid putting things that still have value into the rubbish bin, the more we reduce the cost of the rubbish service.

The member for Launceston asked whether the local government member on the board will be paid. Payments to members are governed by standard government rules for paying boards and committees. It is standard practice that members who are on the board because of their existing public roles, such as a local government position, are not paid. It should be noted that schedule 1, clause 4(2) states that State Service employees are not entitled to be paid.

The member for Hobart raised concerns about quarantining levy funds. It is a unique feature of the waste levy in Tasmania that the whole of the funds raised by the waste levy will be dedicated or pledged back into waste and resource recovery, including administration and compliance. This bill requires that all levy money collected be deposited into a special purpose account. It may only be used for the board, for implementing its waste strategy, to perform its functions, or to meet its costs and expenses; the secretary, for the purpose of adjusting levy payments, such as to repay overpaid amounts; and the secretary, in an amount and purpose as prescribed - for example, the costs of administering the levy system for disbursements of levy monies for litter and dumping compliance costs.

This means that the bill can be introduced at zero net cost to the Government and the taxpayer, instead of being funded by an annual budget allocation for levy compliance and governance costs. It also means guaranteed investment for the funds for the important purpose of reducing waste, fostering resource recovery businesses and moving towards a circular economy.

Protecting the levy funds through a special separate account was a strong message received through consultation from the public and from local government.

A few members asked about the incentive to reduce waste. I have said this, but I will say it again - modelling of our preferred staggered approach of $20-$40-$60 per tonne at two-year intervals indicates that the average cost to householders would be $7.67 per capita per year, averaged over 10 years. Assuming an average household size is 2.3, this is approximately $18 per household. The levy amount will be set in the regulations which must be remade every 10 years, at which time the rate can be reviewed.

Under the Subordinate Legislation Act, the regulations must be reviewed every 10 years. That is an important reason to set the levy rate and regulations that will be regularly reviewed. The Urban EP evaluation report 2018 found $60 per tonne to be an optimal rate for Tasmania.

Questions from the member for McIntyre. Why do we need another board? The Waste and Resource Recovery Board will have responsibility in relation to preparing a waste strategy for Tasmania and using funds raised through the levy to implement the strategy. As the levy ramps up to $60 per tonne of waste disposed, the board will be responsible for significant sums of money, approximately $15 million per annum after government costs. Just to clarify, it will be approximately $15 million per annum after government costs. This work requires a dedicated board with appropriate skills and membership to oversee the very statutory functions set out in the bill.

With this bill, the business development and circular economy aspects are a key driver. The environmental benefits are also welcome. The minister, Mr Jaensch, established an

advisory group during preparation of the bill and this group included three representatives from local government. Generally, the proposed board structure was met with approval during public consultation.

We have another question here for the member for Rumney about charities collecting waste and how will it be managed. The board will be running assistance programs to compensate groups for charity waste, and illegal dumping, with capacity to be flexible and access circumstances through an administrative process rather than a legislated one. This ensures work that is in the public interest will not be jeopardised by increased waste costs from the levy.

Ms Lovell - Presumably they will have to do that each time, will they?

Mrs HISCUTT - I will seek advice, if you would like to repeat that.

Ms Lovell - Whether organisations would have to apply for that each time, for example?

Mrs HISCUTT - The member for Rumney raised concerns about impacts on people who are already struggling in the community. I have touched on that a little bit, but I will have another go at it.

The detailed cost-benefit analysis by Urban EP highlighted that broadly speaking there is a significant benefit to introducing the levy system through stimulation of growth in the resource recovery sector. This will create jobs, thereby reducing unemployment which is a cause of disadvantage.

Nevertheless, it is recognised there is a cost being imposed here. Some of the most disadvantaged people in our society are those living in public housing. I can confirm that public housing tenants do not pay council rates, so councils will not be able to pass their levy costs on to such tenants.

The bill includes functions for the board whereby it will need to consider a wide variety of issues including education, promotion, facilitation, and administering various support programs. When needed the minister, through section 14 directions, can also direct the board to undertake specific actions.

In addition, through the development of the waste strategy, there is the opportunity to include programs targeted at supporting certain elements of our community. For example, it may be that the board, in consultation with the minister, determines it is appropriate to include in the strategy support through the regional bodies, or through individual councils, to run a voucher system that assists the vulnerable in our community.

Question from the member for Hobart. The levy shown on receipts: It is agreed that transparency in how the levy is charged is important. The paper released late last year outlined the intention for the regulations specified on page 9 that, 'it is intended that the Regulations will require operators to disclose the State Government's waste levy amount on all relevant invoices and receipts issued by the facility.'

The member for McIntyre, specifically talked about Flinders Island, and touched a little on King. Tasmania has some particularly remote areas, as has been highlighted, and our

Bass Strait islands and significant parts of the west coast are listed through the ABS classifications as very remote areas. In the minister's second reading and replies in the other place, he highlighted the need for these areas to be supported and a number of things have been put in place to address this. First, in his statements, the minister outlined how he expected the islands and west coast councils will be net beneficiaries from the levy system. It is understood that the remote areas have difficulties with providing infrastructure for their communities. The minister made a special mention of using directions to the board to ensure the waste strategy and the program of support they will be running will take particular care to address these concerns.

Second, the broader strategy development and implementation is designed to help all areas maximise resource recovery activities and our remote councils will be able to participate in this opportunity for support, as any council would be able to.

Third, the Government has been pleased to recently partner with the three councils, together with LGAT and Regional Development Australia Tasmania to develop comprehensive business cases for consideration for matching funding support from the Australian Government. This collaboration has been very well received by these councils, and is helping to address the concerns previously raised.

Ms Rattray - Is that guaranteed funding?

Mrs HISCUTT - I shall seek some advice on that. I think it is an application process to a grant funding.

These proposals were specifically designed to assist each of the councils to build further resource recovery capacity and services for their community. The more waste recovered, the more waste is diverted away from landfill. These three proposals include better collection systems and better sorting systems. They were designed to reduce contamination of recycling streams and maximise the value of the recycling streams. The Government was pleased to partner with the councils to develop and provide support for these very important areas. In addition, the remote area waste management is listed in the bill as a skill experience, or knowledge in, that members of the board should have.

Member for McIntyre asked, how are major national and international companies encouraged to reduce waste? The board - in this bill - will be focused on implementing state responsibilities through its strategy. The Government actively engages in the national policy development process, such as through the 2019 Less Waste, More Resources policy. The Government is also a strong supporter of the product stewardship arrangements established at the national level. For example, we support and engage with the Australian Packaging Covenant Organisation to help achieve reductions in packaging waste. They - with industry - have set a number of targets to reduce waste and we support that.

Member for McIntyre asked, what alternatives were explored to a board? Extensive research was conducted to compare the jurisdictional approaches. The benefit of Tasmania being the last state to adapt the levy scheme is that there are examples of what works and what can go wrong. Major criticism of other governments' levy arrangements is that the money is part of the Consolidated Revenue and dispensed by governments. The National Waste and Recycling Industry Council Review of Waste Levies in Australia in October 2019 found only

25 per cent of mainland levy revenue went back into the waste and resource recovery work. The rest was diverted to other government interests.

Linked with the commitment to hypothecate all of Tasmania's levy revenue is having a separate entity to fairly dispense that money from a separate account. We need to consider the functions of that board. It has extensive work to do. It was looked at and deemed the best way to go.

The member for Nelson talked about behavioural change. The department is planning a general awareness program to be run closer to the time of the levy implementation, once the bill passes. An important issue for the community is providing information on how to avoid the cost of the levy by further expanding activities to re-use and repair goods wherever possible, and recycling materials when they come to the end of their life. We are already doing this through our support for Rethink Waste Tasmania. We have provided a $95 000 grant to expand their awareness campaigns. Once the board is established, it would be expected that the new waste strategy would have clear programs to further expand such programs and community awareness raising. We seek the continuing role of the regional waste management authorities. Rethink Waste is crucial here. They provide a valuable link between local engagement activities, and they are coordinated at a level that is appropriate for the region as a whole. The Government values and welcomes this, and it is expected that the relationship developed so far will continue to expand as the levy funds become available.

Likewise, the department is also considering working with councils across the state to include information with rates notices. The details of this will be developed in consultation with Local Government Assocation Tasmania (LGAT) once the final details of the arrangement are clarified with the finalisation of this bill and its regulations.

Some members focusing on households miss a large aspect of what the levy does. It is going to affect industrial and commercial generators of waste as well. The industrial and commercial generators contribute to large volumes of waste in the state - roughly double the volume of municipal waste. The introduction of the waste levy is a means to correct this and provide the competitive incentive to increase the diversion of waste from landfill.

In South Australia, commercial industrial waste has a recovery rate of 85 per cent, substantially reducing their waste cost levy. This is indicative of what could be achieved in Tasmania.

Clarification on remote funding for the islands: the state Government has allocated funds and hopes the Australian Government will also be supportive of these applications.

The member for Rumney was looking for clarification about applying every time. Not always. If the not-for-profits can run regular programs, the system is flexible to allow for longer term support to be provided to those organisatons doing good public works.

The last question was from the member for Nelson: how will rate increases in the future be managed? The levy analysis report carefully considered the appropriate rate for the Tasmanian circumstances. It determined $60 per tonne as the current optimal level. Staging the steps to that, the 20-40-60 model, gives the community and businesses time to adjust.

Further rate rises would have to be specified in regulations. There is a very clear process for amending regulations and reviewing them every 10 years to ensure that regulations remain appropriate. Hence, the Legislative Council will have the chance to consider any future changes. I think you have got it all.

Ms Armitage - Unless I have missed it, my question has not been answered, which was, what is the anticipated annual cost for the new board, plus CEO and staff? I do not recall hearing that answer and I was listening intently.

Mrs HISCUTT - Taking all the board members and everything associated with that, it will be just over $400 000.

Ms Armitage - That is the CEO and staff as well?

Mrs HISCUTT - That is everyone.

Mr PRESIDENT - The question is the bill now be read the second time.

The Council divided -

AYES 6	**NOES 3**
Mr Duigan (Teller)	Ms Armitage (Teller)
Mr Gaffney	Ms Lovell
Mrs Hiscutt	Ms Rattray
Ms Palmer	
Mr Valentine	
Ms Webb	

PAIRS: Ms Forrest; Ms Siejka
Ms Howlett; Mr Willie

Motion agreed to.

Bill read the second time.

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

In Committee

Clauses 1 and 2 agreed to.

Clause 3 -
Interpretation

Mrs HISCUTT - Deputy Chair, I move -

Page 6, subclause (1), definition of ***'Appeal Tribunal'***

leave out

> "Resource Management and Planning Appeal Tribunal established by the Resource Management and Planning Appeal Tribunal Act 1993".

insert instead

> "Tasmanian Civil and Administrative Tribunal established by the *Tasmanian Civil and Administrative Tribunal Act 2020*".

In speaking to this, due to the coincidence of timing, the new Civil and Administration Tribunal commenced just prior to the debating of this bill, which references the former Resource Management and Planning Appeal Tribunal. On Thursday 4 November 2021, the bill was tabled in the other place, the following day, Friday 5 November 2021, the Tasmanian Civil and Administrative Tribunal Act 2020 commenced, replacing the former Resource Management and Planning Appeal Tribunal Act 1993. This timing has required an amendment to the Waste and Resource Recovery Bill 2021, which references the repealed legislation.

In clause 44 of the bill, there is a power for the secretary to suspend operations at a landfill that is in breach of the requirements under the bill, and because of the impacts of this regulatory power, an appeal provision has been included, allowing the operator to appeal to the tribunal when the requirements of the suspension are unduly onerous, or because they believe they have complied with the requirements of the suspension and it should be revoked. This provision refers to the appeal tribunal and there is a definition of this in the interpretations section. Therefore, this minor amendment updates that reference to the new arrangements that commenced after this bill was first tabled in parliament.

This is a purely mechanics amendment.

[5.47 p.m.]

Mr VALENTINE - A question about how one determines which focus the TASCAT takes. TASCAT has a whole heap of different tribunals in it, yet this does not stipulate that it is the planning section of that system. TASCAT covers so many different grounds and I want to know when we deal with bills into the future, how is it designated it has to go to a certain component of TASCAT?

Mrs HISCUTT - That is addressed in the mechanics of the TASCAT bill.

Mr VALENTINE - You say it is addressed in the mechanics of TASCAT, but is it in terms of which acts that certain aspects of the TASCAT covers, or certain ministers? How do you know what gives the direction to TASCAT that this has to be heard in a certain court or tribunal?

Mrs HISCUTT - Their internal administrative arrangements sort that out, that is their job.

Mr VALENTINE - Okay, I will delve deeper later, I cannot understand it.

Amendment agreed to.

Clause 3 as amended agreed to.

Clauses 4 and 5 agreed to

Clauses 6, 7, 8, and 9 agreed to.

Clause 10 -
Establishment of Tasmanian Waste and Resource Recovery Board

Ms WEBB - I am not sure if this is the most relevant clause, I suppose it is the establishment of the board. It is to follow on from a question put by the member for Launceston during the second reading stage. I wanted more clarity in terms of the cost of funding the board and its complete staffing complement anticipated to be put in place, and what percentage of the levy collected is expected to be required to do that?

Mrs HISCUTT - In the first year it is about 5 per cent and then it reduces in the fifth year to about 3 per cent and I gave the monetary figure earlier.

Clause 10 agreed to.

Clause 11 -
Membership of the Board

Ms WEBB - Just a little clarity on membership of the board. Clearly there it is laid out not less than five and not more than seven members and then in subclause (4)(a) we have a list of the skills and experience and knowledge that need to be covered by those five to seven members. There is a list of 10 matters there. Could you give more understanding about number (x) there on the list of particular functional vocational interests relevant to the functions of the board and what you are anticipating that covers that is not covered necessarily by just the list itself with the other nine matters there? I was not quite sure what to anticipate that might mean.

Mrs HISCUTT - It allows flexibility to consider the make-up of the board as a whole including allowing for its changing needs and expertise over time.

The need to respond to future priorities is recognised in subclause (4)(a)(x), which says a particular function or vocational interest relevant to the functions of the board. If there is a need to draw on another skill set, for instance, the board may need to take on work dealing with certain manufacturing techniques we do not currently have in Tasmania, then the minister can appoint such skills to the board. It is about futureproofing as and when it is necessary to appoint a different expertise.

Ms WEBB - To clarify it entirely just to make sure I understand. The intent of number 10 on the list is to cover something other than what existed in the other nine, just in case for the future and it is worded in that way. It seems slightly specific and strange wording to mean, 'and anybody else we might need'.

Mrs Hiscutt - While the member is on her feet, it is for futureproofing in case there is an expertise we are not aware of at the moment.

Ms WEBB - I understand the function. I am interested in the wording and it seems particular wording to mean 'and anybody else deemed necessary'. I wondered if there is a particular reason it is worded that way. 'A particular function or vocational interest', that is a very particular sort of wording.

Mrs HISCUTT - Yes, it is the wording and I can agree with what you are saying, but the outcome is still okay and I should imagine it is the way OPC drafted it is to get the desired effect.

Clause 11 agreed to.

Clause 12 -
Functions of Board

Ms WEBB - Madam Deputy Chair, I imagine these are clauses you might have been jumping up on, given your interest in boards. Looking for clarity more than anything, to make sure I understand what is here. Clause 12, I am looking at subcause (2) of that clause, 'The Board has the following functions' - noting there is an extensive list there from (a) through to (o) of functions the board needs to comply with.

Is it expected those functions are applying at all times? I know we are going to get later clauses on the operational plans and the budgets of the board to give it operational plans. I will be expecting to see those functions in action at all times by the board and I am wondering if we are expecting to see particular KPIs or performance outcomes against these functions by which we could hold the board accountable and see the board being held accountable? Perhaps you could give some clarity on how that will look in terms of measuring, reporting on, giving visibility to the performance of that fairly extensive list of functions.

Mrs HISCUTT - The board would be expected to have all these functions in mind, with (a) through to (o), and have them all in mind all the time and apply the ones that are necessary as and when needed. They have to take into account all those functions there and the accountability comes through their strategy policies. The annual report will make them accountable to parliament, when that is tabled.

Further to your first question, clause 18 on page 23, subclause (2), this is moving further into the bill, says:

> (c) establish criteria and methods for assessing the adequacy of the strategy and its implementation, having regard to the requirements of this Act –

Clause 12 agreed to.

Clause 13 -
Power of Board

Ms ARMITAGE - With regard to clause 13:

> (a) to obtain the advice of any person or organisation in regard to any matter related to this Act

I am assuming that is also in relation to consultants? If so, is there a financial limit to the consultant?

Mrs HISCUTT - I have already given you the estimated cost the board has spent that was all inclusive, so no, it is the running of the board and all that functions with that. Yes, they would get consultants reports if they required them.

Ms Armitage - Is there a financial limit?

Mrs HISCUTT - That would have to be a part of the operational plan, so they would have to budget for it.

Ms ARMITAGE - Obviously, at this stage there is an idea of the operating budget. You gave me the amount it was going to cost for the board, CEO and staff, but do we have an operating budget that would come within? Or anticipated?

Mrs HISCUTT - The board will determine its budget and there will more than likely be a section there that says 'extra information seeking' but there will be a budget set for that, which it will have to sit within.

Ms WEBB - On clause 13, looking at part (e) there in the same area, where it says for it to provide information to the public on any matter related to this act. Where does that division of responsibility to provide information about waste and resource recovery lie between the department and the board? Will all information provision and promotion to the public on matters relating to the act be the board's responsibility to set up, fund, and operate? Or does the department retain some responsibility around those public information and education functions?

Mrs HISCUTT - The board has objectives and strategies that it will have to adhere to. As part of that, they will want to provide information to the public. I understand you are asking about the cost of that and how it will be provided. They will make their strategy around that and will budget for it. That may include websites, or going through the Justice department, or include flyers or information - however the board deems that will happen. Then it will be budgeted and they will have to adhere to their budget, which is yet to be determined.

Ms Webb - The main thrust of my question was whether the board is entirely responsible for information provision, or whether there is a responsibility that still sits with the department?

Mrs HISCUTT - It is predominantly the board.

Clause 13 agreed to.

Clause 14 -
Ministerial direction

Ms WEBB - To reflect the discussion we had during briefing, and to put it on the record here, let us note clause 14(3) in relation to ministerial direction. Clause 14(3)(b) provides that a ministerial direction is to be -

> … laid before each House of Parliament within 10 sitting-days after it is given.

Does laying that before each House of Parliament make that a disallowable instrument by parliament? If not, what is the function of laying the ministerial direction before each House of Parliament?

Mrs HISCUTT - This provision is based on similar ones in the Brand Tasmania Act and the Tasmanian Museum and Art Gallery Act. Both of these acts have ministerial direction mechanisms that are not disallowable. It gives parliament the opportunity to discuss it and maybe send a message to the board or the Government.

Ms WEBB - It does not provide a high level of accountability around those directions, particularly to the minister, if it is not disallowable. I suspect the sorts of financial implications when we talk about the money from these levies that may become subject to ministerial direction would warrant a decent amount of scrutiny and accountability. I am pointing out a high level of discretion to the minister there and no mechanism by which we might, in this place, tangibly hold the minister to account for it.

Mrs HISCUTT - I know that was a comment, member for Nelson. That is why there is a mechanism to ensure transparency, by tabling the direction and also by requiring any directions to be included in the annual report which is also tabled. It is not for parliament to disallow the direction, as that creates business uncertainty and may make the administration of levy funds disjointed.

Mr VALENTINE - Under what circumstances is this likely to happen? I am interested to know the genesis of this. I asked during the briefings whether it was disallowable. It does not say that the minister has to get advice from anybody. Why is this in here?

Mrs HISCUTT - I have already given an example, but I will read it again. An example of a ministerial direction that may be given, is the minister providing direction to the board in relation to how the remote councils should be managed. It could also be in response to national changes, such as we see through the waste exports ban, and how Tasmania should respond to those changing national policy environments.

Mr Valentine - I am sorry if I missed that.

Mrs HISCUTT - There was a lot, so that is fair enough. There could also be directions for regional authority payments, or something like that.

Clause 14 agreed to.

Clauses 15, 16 and 17 agreed to.

Clauses 18 agreed to.

Clause 19 -
Preparation, approval and amendment to waste strategy

Ms WEBB - Clause 19 is about preparation, approval and amendment to waste strategy. In my second reading speech contribution I welcomed the development of a waste strategy. It is very positive and a good function for the board. Clause 19, subclause (2) covers who will be consulted in preparing a draft waste strategy. It says that the board -

(a) is to consult -

(i) the Minister; and
(ii) the Director; and
(iii) the Local Government Association; and
(iv) relevant industry stakeholders as determined by the Board; and

(b) is to provide a copy of the draft waste strategy for public comment before it is submitted to the Minister under subsection (3); and

Is it anticipated that becomes a statewide process done in the usual way of advertising, giving a reasonable amount of time, and then there is a genuine opportunity for that to feed into the tangible outcomes that are there in the strategy?

Mrs HISCUTT - The simple answer is, yes. It is framed like that in case there is a small amendment to the consultation draft.

Clause 19 agreed to.

Clause 20 agreed to.

Clause 21 -
Preparation, approval and amendment of operational plan

Ms WEBB - Clause 21 is preparation, approval and amendment of operational plan. I note that the minister approves the draft operational plan of the board and, presumably then, the budget that sits under that to give it effect. Will there be the opportunity for scrutiny of that operational plan and its budget through the normal budget Estimates process, and for the board to be scrutinised there? Or would it be done directly through the minister in that Estimates process?

Mrs HISCUTT - They will have to have their financial report approved as part of the annual report. Also, in the bill, when we move on to clause 22, it says there that a copy of the Auditor-General's report has to be with that. So, the Auditor-General gets to look at it.

Your other question about budget Estimates is, yes, they can be scrutinised during budget Estimates.

Ms WEBB - That was the key part of my question, that we would have the opportunity to do that.

Clause 21 agreed to.

Clauses 22 and 23 agreed to.

Clause 24 -
Waste and Resource Recovery Account

Mr VALENTINE - We have been told that it has been quarantined for waste; the account cannot be raided. Subclause (3) says the funds contained in the account 'may be applied by the following persons for the following purposes'. It does not say it cannot be applied for something else. It says 'may' but it does not say 'may only be'. What comfort can you give me that the amounts cannot be taken out and used elsewhere?

Mrs HISCUTT - The funds are quarantined for this and can only be spent on (i), (ii) or (iii). Those are the only choices. It does not say,'or anything else'. That is all it can be spent on.

Mr VALENTINE - For clarity, you are saying it is a head of power that enables it to be spent for those three purposes. I guess I am reading it as, 'Look, you can spend it on those things'. It is not saying you cannot spend it on others. It is the way the word 'may' is, I suppose. It gets back to that same head of power argument. Is that the way it is?

Mrs HISCUTT - As I am reading it out, it says 'by the Board, for the purposes of (i), (ii) or (iii).' There are no other options there. It either has to be (i), (ii) or (iii).

I will just seek some advice. It does not have to be (i), (ii) or (iii) but those are the only options for which the money can be spent.

Clause 24 agreed to.

Clauses 25, 26 and 27 agreed to.

Clause 28 agreed to.

Clause 29 -
Prescribed levy

Mrs HISCUTT - Madam Deputy Chair, I move -

An amendment in my name, clause 29, page 37.

Leave out the clause

New clause A to follow. Clause 28A, Prescribed levy -

Madam DEPUTY CHAIR - The Leader might, once she provides an explanation, invite members to vote against the clause that is being left out because there will be a new clause A that will come in at an appropriate time, once you get to the end of all the clauses.

Mrs HISCUTT - After listening to all that, members, I now invite you to vote against clause 29, on page 37. The ultimate end is that the clause will be left out and replaced by new clause A, to be determined at the appropriate place. I think I should speak to new clause A when I get there.

Madam DEPUTY CHAIR - It might be useful for the Leader to give a reason why you are inviting members to vote against the clause now, rather than later.

Mrs HISCUTT - The reason for this is, in the end, when we finish this adding in the new clause A, it is important to this Government that we provide clarity and certainty to local government and businesses in this state about the proposed levy on waste disposed to landfill. It has been the intention to set the starting rate and date of the waste levy and the regulations supportive to this bill. However, to ensure those regulations go through their process and analysis, we want to give certainty earlier than that as to what the starting rate of the levy will be. Hence, the amendment to clause 29 is proposed to ensure that the levy will start at 12 fee units, which is approximately equivalent to the starting rate of $20 per tonne that we have been talking about.

As flagged in the second reading, once the bill has formally passed through the parliament, we will then move to finalise the implementation process and set, through proclamation, the commencement date for Parts 3 and 4 of the bill. Further changes to this levy rate will be done through the regulations. It remains our intention that once this starting levy rate has been in place for two years, it should then increase to the equivalent of $40 per tonne of waste of landfill, then to $60 two years after that. That is the reason, Madam Deputy Chair.

Clause 29 negatived.

Clauses 30 and 31 agreed to

Clause 32 -
Waste levy return and payments of payable levy amount

Mr GAFFNEY - This one relates also to clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 55. It would be handy if we had some idea of how or where the fees or the terms of imprisonment were worked out. Did you use another bill from another jurisdiction? Safe to say it is all the way through the next 10 or 11 clauses. It would be handy if we had an explanation of where you garnered that position from. Is it in relation to another act, or whatever? That would be helpful.

Mr VALENTINE - Good idea.

Mrs HISCUTT - Just seeking some information. Most of the penalties for offence provisions in this bill are set at 200 penalty units. From 1 July 2021, a penalty unit in Tasmania is set at $173, equating to a maximum fine of $34 600 per offence under the bill. In examining whether this is an adequate amount, the penalties under similar legislation in other states was considered. There is a huge variability in the penalty provisions across Australia; for instance, South Australia sets maximum fines of $4000 for most offences under this levy legislation, Western Australia, Queensland, and New South Wales have penalties ranging from $10 000 to $40 000, whereas penalties for most offences under the Victorian legislation are close to $100 000. In light of this variability, a conservative, middle of the range penalty was chosen, with deterrence in mind. The bill also allows for the issuing of infringement notices where appropriate, and the penalty rate for infringement notices will be set in regulations and is intended to be typically set at 10 per cent of the offence rate for individuals, and 20 per cent of the offence rate for corporate bodies.

Clause 32 agreed to.

Clauses 33 and 34 agreed to.

Clauses 35, 36, and 37 agreed to.

Clause 38 -
Resource recovery facility requirements

[6.22 p.m.]

Ms LOVELL - I am not entirely sure if this is the right place to ask, but it was probably the best place I could find it fits. In the second reading, in relation to the upgrades necessary at some of the remote facilities, particularly on the islands, there was mention of some Commonwealth funding that had been applied for to enable those infrastructure upgrades to occur. Could the Leader elaborate a little on that application for Commonwealth funding and particularly if there is an expectation that funding will be granted, or a contingency if it is not granted? Just a bit more information on the likelihood those infrastructure upgrades will be delivered.

Mrs HISCUTT - The grant funding - the application has only just recently been put in. Evidently, the Australian Government was chasing us to get that and, hopefully, we presume they are looking at it favourably. If, for some unforeseen reason it was not granted, then the board would have to budget it within their budget to make sure it does happen.

Clause 38 agreed to.

Clauses 39, 40, and 41 agreed to.

Clauses 42, 43, and 44 agreed to.

Clauses 45, 46 and 47 agreed to.

Clauses 48, 49 and 50 agreed to.

Clause 51 agreed to.

Clause 52 -
Protection from liability

Mr VALENTINE -

> (1) The Minister, the Secretary, an authorised officer or any other person does not incur any personal liability for any act done or purported or omitted to be done in good faith in the performance or exercise or purported performance or exercise of any functions or powers under this Act.

And yet the minister has carte blanche, he can give any direction he likes to the board and there is not liability. Is that normal?

Mrs HISCUTT - Yes, it is normal. It has to be done in good faith and that is on clause 52(1) - good faith. It is standard procedure for boards to have that in there, but it has to be in good faith.

Clause 52 agreed to.

Clauses 53, 54 and 55 agreed to.

Clauses 56 and 57 agreed to.

Clauses 58 and 59 agreed to.

New Clause A to follow Clause 28.

A. Prescribed levy.

For the purposes of this Act, the prescribed levy is -

(a) if no amount is prescribed under paragraph (b), 12 fee units; or

(b) the amount or amounts, of a levy in respect of a tonne of waste in a calendar month, that is prescribed by, or calculated in accordance with, regulations for the purposes of this section.

Mrs HISCUTT - Madam Deputy Speaker, I move that the new clause A be read a second time.

New Clause A read the second time.

New Clause A agreed to.

Schedule 1 agreed to.

Schedule 2 agreed to.

Schedule 3 agreed to.

Title agreed to.

Bill reported with amendments.

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

That the bill as amended in Committee be taken into consideration tomorrow.

Motion agreed to.

CRIMINAL CODE AMENDMENT (JUDGE ALONE TRIALS) BILL 2021 (No. 50)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, by way of explanation, I had a briefing flagged for this tomorrow, but I would like to pursue it tonight.

The advisers will be here soon, if any member would like a briefing. I believe it is a reasonably straightforward bill, but anybody who wants a briefing please ask during your contribution, and we will provide it.

I move that the bill now be read the second time.

Mr President, this bill will amend the Criminal Code Act 1924 to provide for the option of criminal trials to be held without a jury in the Supreme Court of Tasmania.

Tasmania does not currently have the option of trial by judge alone. Unless an accused person pleads guilty to an indictable offence - a crime - they are entitled to be tried by a jury in the Supreme Court, with the jury determining whether they are guilty or not of an offence.

The right to trial by jury is a cornerstone of our legal system. Although trial by jury is the established and familiar method of trial for crimes in Tasmania, trial by judge alone provides an alternative option to a trial by jury in appropriate cases, but importantly, not as a right for either the accused person or the prosecution.

This bill contains significant reforms that will play an important role in Tasmania's criminal justice system and align Tasmania with several other Australian states and territories that have had legislation allowing trial by judge alone for many years.

Judge alone criminal trials were introduced into South Australia in 1984, New South Wales in 1990, the Australian Capital Territory in 1993, Western Australia in 1994, and Queensland in 2008. More recently, Victoria has allowed for trial by judge alone as a temporary measure in response to the COVID-19 pandemic.

The bill inserts a new section 361AA into the Criminal Code to provide for a party to the proceedings, that is the accused person or the prosecution, to apply for an order for trial by judge alone within three months of the date the accused was committed to stand trial.

The time frame within which a party to proceedings is to make an application for trial by judge alone is linked to when the accused person is committed to stand trial in the Supreme Court. The decision as to when to start the time frame was arrived at after consideration of stakeholder views and other jurisdictions.

On the one hand, other jurisdictions, such as Queensland and Victoria, do not specify a time frame other than requiring the application to be made before trial. However, this may create concerns about uncertainty in the planning of a trial, leading to potential risks around the potential for 'judge shopping', delays and unnecessary use of resources if applications are made at the last minute. Another option considered was to start the time frame from the service

of Crown papers. However, there is no legislative basis for the service of Crown papers, so this option is considered unworkable. The decision to start the time frame from committal is a workable option that provides transparency and certainty as to when the time frame commences, and avoids the potential adverse consequences of unfettered right to reply at any time.

In response to consultation, the time frame within which to apply for an order was extended from two to three months from the date of committal. This time period in which to make an application under this bill aligns with the new preliminary proceedings processes that recently came into effect in Tasmania. The Justice Miscellaneous (Court Backlog and Related Matters) Act 2020 - the Court Backlog Bill - amended the Justices Act 1959 and the preliminary proceedings processes concerning the committal of a defendant to the Supreme Court. These changes provide for magistrates to deal with applications for preliminary proceedings orders prior to the committal of matters to the Supreme Court.

If an applicant does not make an application within this time frame then, providing that the applicant can satisfy the court that they have a reasonable explanation for the delay in making the application, an out-of-time application may be considered. This provision is important for circumstances where an applicant later decides to apply for a trial by judge alone, for example, because other information later came to light, or due to an unavoidable or unexpected circumstances such as a medical emergency. No limitations are placed on the types of Tasmanian crimes that could be heard by a judge sitting alone. The bill provides that the prosecution's application for a judge alone trial order requires the consent of the accused to the proposed order.

This is subject to an important exception I will turn to after outlining the key elements of the framework. Importantly, this bill provides that the court must not make an order unless it is satisfied that it is in the interests of justice for the order to be made. As has been done in other jurisdictions, this bill provides that trial by judge alone will not be available where an accused person is charged on indictment for a Commonwealth offence. This is because section 80 of the Commonwealth Constitution precludes Commonwealth trials from being conducted by a judge alone.

This bill makes it clear that an order for trial by judge alone must not be made unless the court is satisfied with the following factors. First, that the accused person has given informed consent. The court needs to be satisfied that the accused understands the nature of the proposed order and the implications of an order, if made. Second, that the making of such an order is in the interests of justice. And thirdly, where an accused is charged with two or more charges that are to be tried together, the order is to be made for all of the charges, and if there is more than one accused, each accused must have made an application and given their consent to the proposed order.

The requirements in this bill to satisfy the court that an accused person has given informed consent to a proposed order provide an important safeguard. The court is to be satisfied that the accused person understands the nature of the proposed order and the implications of an order if it is made by the court. The accused person is to receive legal advice as to the extent of the implications of the proposed order if made or that the accused person has been offered advice but has refused legal advice that has been offered; and where an accused person has obtained legal advice on the implications of the proposed order, the accused person's

legal practitioner has certified in writing as to the legal advice so provided, and whether they believe that the accused person's consent has been given freely.

Importantly, Mr President, under this bill a legal practitioner providing legal advice to an accused person about a proposed order only has to attest to giving legal advice, not the nature of the advice. This protects legal professional privilege in the advice.

The bill provides that in determining whether it is in the interests of justice to make an order, the court is to take into account whether the crime to which the proposed order relates concerns an element or question of fact that is more appropriately determined by a jury by reference to community standards. That includes, but is not limited to, questions of a reasonableness, dangerousness, indecency, negligence or obscenity. This recognises the important role juries play in Tasmania criminal justice system.

The court may refuse to make an order if it considers the trial will involve an element or a question of fact that requires the application of community standards. As to whether a crime involves an element or a question of fact that is best determined by a jury by reference to community standards, it requires the court to balance a range of relevant factors. The court may also take into account other matters or circumstances, depending on the particular context of the case.

The bill affords the court a wide discretion to take into account factors that it considers relevant. For example, the court may determine that having considered a factor such as adverse publicity that is prejudicial to a fair trial, that it would be in the interests of justice to make an order for trial by judge alone.

The inclusion of objective community standards in the bill was determined after consideration of stakeholder views and other similar provisions in other jurisdictions such as Queensland, New South Wales and Western Australia. The formation of this bill draws on the successful legislative approach taken by these jurisdictions. Importantly, juries are best placed to determine what conduct is considered reasonable, dangerous, negligent, indecent or obscene in the eyes of the community.

The use of juries to set such standards also means they adapt in line with changing community views. For example, in relation to the crime of dangerous driving contrary to section 172A of the Criminal Code, what is considered dangerous driving is determined by reference to community standards. It is highly likely the community's perception of what amounts to dangerous driving has changed significantly over time. By these standards being set by juries, they appropriately reflect the community's views at any given time, thereby increasing public confidence in the criminal justice system.

In circumstances where the court is satisfied there is a significant risk an offence under section 63, which is influencing or threatening jurors, of the Juries Act 2003, may occur if the person is tried by jury, the court does not have to be satisfied of the requirements of informed consent when determining whether to make an order. This includes the scenario of more than one accused being tried together and the risk of the offence under section 63 arises from one or more of the accused. For example, an accused person could be compelled to have a trial by judge alone without their consent where there is a very high risk of jury interference or tampering and all other means reasonably available to the court cannot mitigate that significant risk.

This bill provides that unless exceptional circumstances exist, only one application for an order can be made in respect of a crime. In view of the time period in which an application for a trial by judge order is to be made, the bill provides that an order for a judge alone trial may not be revoked unless the court is satisfied the information on which the order was made was false or misleading or otherwise considers that there are reasonable grounds to revoke it. An accused person should not be able to change their mind and opt for a jury trial to avoid trial by a particular judge without a jury, a scenario known as 'judge shopping'. The new section 361AB provides that an accused person or the prosecution may appeal the making or refusal to make an order for the judge by trial alone.

In relation to an accused person's ability to appeal where the court has made an order, the bill limits that to where the order was made without the consent of the accused person. This reflects that an order made with the person's consent has no need for appeal provisions by that person. The bill also contains amendments to set out the law and procedure to be applied in a trial by judge alone, including in relation to returning any verdict or making any findings.

Lastly, the bill expands the appeal rights of the Crown in relation to judge alone trials at section 401(2) of the Criminal Code. This has been provided for in the bill as, unlike in a jury trial, a trial by judge alone requires the judge to provide reasons for their verdict or findings. If, for example, there is an error of fact that result in a miscarriage of justice then the Crown can lodge an appeal to address this error. Public and targeted stakeholder consultation was undertaken on a first draft of this bill and we personally wish to thank those who made comments in response to the draft legislation.

In addition, the Department of Justice has worked closely with key stakeholders in the development of the bill including the Office of The Director of Public Prosecutions and we thank them for their thorough work in this regard. This is an important bill for our criminal justice system. The proposed legislative reforms provide a fair method of applying for and determining orders for trial by judge alone.

This bill seeks to improve Tasmanians' option in the criminal justice system by conferring on an applicant an opportunity that we did not previously have. The option to apply for trial by judge alone in certain circumstances. The introduction of trial by judge alone in Tasmania will provide an alternative to jury trials for an accused and may assist in helping to reduce criminal court backlogs along with a range of our Government's important reforms that have already passed through the parliament including the Magistrates Court, Criminal and General Division reform package and more recently the Court Backlog Bill.

In conclusion, our criminal justice system has experienced significant challenges due to the COVID-19 pandemic. Our Government has put in place measures to respond to the pandemic and to support Tasmanians. This bill seeks to improve access to justice within our criminal justice system, not only due to the pandemic but other circumstances as I have outlined. I commend the bill to the House. Those words that I said before I started, I reiterate and we will see how we go. Thank you.

[6.47 p.m.]

Ms WEBB (Nelson) - Mr President, I have a very brief contribution. Clearly, this is a measure which can improve access to justice and many have called for it and are welcoming its introduction. In my contribution I wanted to follow up on some of the things I noted in the consultation that had occurred.

I can see in some instances where the Government has clearly responded from the draft version to this version to matters raised and it is interesting to see. I want to clarify a couple of matters where I can see suggestions made in submissions were not necessarily picked up through to this version and to clarify why that was the case given the comments made in the submission.

Looking at the submission made by the Law Society of Tasmania, I can see on the second page of their submission there is one change they had suggested relating to sections 361AA(6)(b)(i) which is a change that was made by the look of things, taking out the words 'appropriate legal advice' and just having it be 'legal advice'. This seems like the Government has responded to that. I am interested in the next suggestion the Law Society made related to section 361AA(7). It appears that suggestion made for a change there was not picked up and I would like to understand why. They appear to be suggesting that in listing two non-exclusive 'matters' in a list and then 'any other matters' gives a lot of prominence to the two that are put there in detail. They suggest that it would be better for there to be no detailed 'matters' in that list, just 'any matters' considered appropriate rather than giving prominence to two maybe above all other possible ones that could be in the list.

I am not going to read that whole section in. You can refer to it and provide an understanding of why that suggestion was not picked up, given the rationale provided for it.

Similarly, I was interested in the matter on page 6 of the Australian Lawyers Alliance submission, in a section titled 'Other comments'. They have made a suggestion there, as point 11 in the submission: 'The ALA submits that a provision should be inserted to require a time frame for the court to deliver its judgments and reasons, otherwise accused persons and victims may wait many months for decisions', et cetera. That may have been included in the bill but could you clarify whether that suggestion has been picked up? And if not, why not? What would be the rationale for not putting such a time frame in?

Those are the ones that I was seeking some clarity on. Other than that, I support the bill and see it as a positive development for us in access to justice.

[6.51 p.m.]

Mr VALENTINE (Hobart) - Mr President, the jury has been a part of the Australian legal landscape for many years - 12 people strong and true, or whatever they used to say. To think of getting rid of it, a lot of people might say would be terrible. But with the way this has been crafted, the accused is not disadvantaged. In fact, one might say that they could be advantaged by giving the option of having a judge-only trial, depending on the circumstances of the case. The really important part is that the accused is not disadvantaged.

I have not had anybody point out any aspect to me that this should not go ahead. It is interesting that 95 per cent of cases or thereabouts are heard by magistrates sitting alone. They do not have juries. That is when you look at all the court sessions that happen in the state.

As pointed out in the second reading, with a jury trial, the reasons are not given as to why they are guilty or not. A judge in a judge-only trial has to write the reasons down. That could be seen as an advantage - that they are always going to get the reasons for why they are guilty, or, indeed, the reasons why they are not guilty.

It is fair to say that trials may be quicker. There is the fact that the judges are not having to explain the rules of evidence and the burden of proof to the jury. I am sure that takes significant time in the way jury trials go. People who are listening to the trial have to understand very definitely the issue of rules of evidence and the burden of proof. That does not happen in a judge-only trial. So, one would expect that it is probably less costly at the end of the day, although, I suppose, a judge has to write their reasoning, a statement on it and that can take more time. One might balance the other out. I do not know when the Government was looking at other jurisdictions, and their conduct of judge-only trials in those jurisdictions, whether they point to the fact that time is saved. You would probably find it is. It might have been in the second reading speech and I have missed it.

The other thing is, with high-profile cases, where the media grab it and the chances of a fair trial is not likely if a jury is being used. That is something else to consider. An accused might have the opportunity to choose a judge-only trial if they felt that they might be disadvantaged because of the publicity given to the case.

With those few comments and the fact that it does not seem that people out there are very concerned about this in any way shape or form, I support the bill.

[6.55 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I will make a brief contribution. This judge-only trial direction has been well received and, as the members for Nelson and Hobart have indicated, there has been quite a bit of consultation around that. I appreciate the member for Hobart explaining some more detail. It is as good as a briefing.

Mr Valentine - I would not say I am the expert.

Ms RATTRAY - It was useful to know that the judge presiding will provide a written explanation of their judgment, either for or against.

Without being critical of the justice system, to be able to address the backlog in this state has to be a positive. We have talked and talked and talked about it prior to COVID-19 and we know that, over the past couple of years, things have become even slower in that area. To be able to have this facility and process available can only be a positive. What do they say: access to justice is justice denied? Something very clever like that has been said before.

Ms Webb - Just to correct that for you, justice delayed is justice denied.

Ms RATTRAY - That is exactly right. Thank you. I said it is as good as a briefing in here. My colleagues are just here to help and I am so appreciative.

There were some interesting facts provided in *The Examiner* in January:

> In Tasmania the backlog is 38 per cent for 12 months and 10.2 per cent for cases that are more than 24 months old.

It goes on to say that:

> 'The society considers the national benchmark should be the aim, though we accept that social distancing requirements will make these targets difficult to achieve because of the infrastructure limitations across the state,' he said.

That was a quote from the Law Society. It then goes on to say:

> Mr McKenna said the introduction of judge-alone trials, that is, without a jury, could also help reduce that backlog. 'The trials may result in reduced hearing time and can lead to a more efficient and more robust trial process. In Hobart I would imagine they could have a judge-alone trial running at the same time as two jury trials,' he said.
>
> The backlog of cases - 626 cases - came despite a high record of 594 completions in 2019-20.

Mr McKenna goes on to say:

> The ability to progress cases was also affected by the relatively small size of the criminal law bar in Tasmania.

It has received tripartisan support across all of the parties. That is a good endorsement of what I believe is a proactive and good approach. I commend the Government and the Attorney-General, and those people who have worked diligently on bringing this to the parliament. I support the bill.

[6.59 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a couple of answers here for the member for Nelson.

In relation to the question of the Law Society, in relation to the proposed section 361AA(7) concerning community standards. The bill has not been drafted in such a way where any of the circumstances are weighted to take on provenance.

There are a number of Tasmanian crimes which contain elements that are ordinarily left to the jury to determine. For example, as I have said before, reasonableness, dangerousness, indecency, negligence, or obscenity. These concepts are ordinarily left to the jury to determine in line with their understanding and beliefs as ordinary members of the community. This is addressing that specific point from the Law Society.

There may be other concepts that are ordinarily left to the jury. The bill's listing is not exhaustive. This approach allows the law to adapt to our Criminal Code changes. These types of conduct mentioned where jurors are best placed to consider what is considered reasonable, dangerous, indecent, negligent or obscene, are also in New South Wales, Queensland and Western Australian legislation.

The bill includes these types of conduct but it is not limited to these, and the court may take into account any other matters or circumstances the court may later consider relevant, when determining whether it is in the interests of justice to make an order, depending on the particular context of the case.

Our courts can be relied upon to decide what factors are relevant to the interests of justice when determining whether or not to make an order, or trial by judge alone.

The more comprehensive list of factors, as the Law Society suggested, is not desirable as it essentially limits the scope. A comprehensive list may result in the problem the Law Society foreshadowed. Namely, disputes about which factors are relevant and what weight is to be given to each factor.

The inclusion of objective community standards in the bill was determined after consideration of stakeholder views and other similar provisions in other jurisdictions - as I have mentioned - such as New South Wales, Queensland, and Western Australia. Including objective community standards ensures they are taken into account where relevant. The information of this bill draws on the successful legislation approach taken in those jurisdictions.

Your question around the Australian Lawyers Alliance that the bill should include a time frame for the courts to deliver its judgment and reasons in a judge-alone trial to avoid accused persons and victims waiting months for a decision. It is not intended to impose a time frame on the court in which a decision from a trial by judge alone must be provided. The expeditious delivery of judgments will be a matter for the courts and it is not suitable to expect courts to dispense justice according to an arbitrary time frame.

It is also important to acknowledge that no criminal case is the same. Timing of decisions made may be dependent on several factors, for example, the nature of crime, or the crimes tried, the number of accused persons, the evidence presented or any other findings that need to be included in a decision. I thank the members for their comments.

Bill read the second time.

CRIMINAL CODE AMENDMENT (JUDGE ALONE TRIALS) BILL 2021 (No. 50)

In Committee

Clauses 1 and 2 agreed to.

Clause 3 agreed to.

Clause 4 agreed to.

Clause 5 agreed to.

Title agreed to.

Bill reported without amendment.

Third reading made an order of the day for tomorrow.

ADJOURNMENT

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Members, I thank you all very much for the last two days, for the hard work you have done, I do appreciate it.

Mr President, I move -

> That at its rising the Council adjourn until 10 a.m. on Thursday 10 March 2022.

It has been suggested that as we do not have this briefing - we have only the UTAS briefing at 9 a.m. - we can start at 10 a.m. and see if we can get as many unstated states in before lunch.

Motion agreed to.

Mr President, I move that the Council does now adjourn.

Motion agreed to.

The Council adjourned at 7.06 p.m.

Appendix 1

QUESTION WITHOUT NOTICE

Question No. [number] of 2021 Legislative Council

ASKED BY: Hon Meg Webb MLC

ANSWERED BY: Hon Leonie Hiscutt MLC, Leader of the Government in the Legislative Council

QUESTION:

(1) Can the Government provide advice from the Office of the Valuer-General, or any other independent source, regarding:

(a) the current and potential estimated value of the Macquarie Point development site; and

(b) the impact of rezoning on the estimated value of the Macquarie Point development site?

(2) Can the Government:

(a) detail why, and on the basis of what option assessment process, the decision was made to sell the site to private sector developers, instead of dedicating it as a common open facility for all state citizens;

(b) confirm that even should a developer need to borrow significant funds to complete the current proposed residential and commercial concepts, that the 'gifted' equity of Crown land will enable a significant profit to be gained by the developer and bank/s involved; and

(c) detail any evaluation undertaken to determine whether, and how, this one- time profit from the sale of the Macquarie Development site is in the public interest, given that the majority of the Tasmanian people will not be able to participate in the proposed scheme?

ANSWER:

I thank the member for their questions.

(1)(a) The current land value as stated in the 2021 Macquarie Point Development Corporation Annual Report is $40.5m with an estimated public and private development/investment opportunity of some $1 billion once completed.

CA

(b) The land value reflects improvements that have occurred to the site over the last decade and includes remediation works, site improvements such as the road works and rezoning.

The impact of the planning changes that occurred several years ago would be impossible to separate out from the other impacts which have improved the overall site value over the last decade or so.

(2)(a) The Escarpment, which I assume the Member for Nelson is referring to in her question, is a 8,797 square metre parcel of land. This development represents only 10 per cent of the overall Macquarie Point site, being 9.3 hectares in total.

The Escarpment is also the first of seven developments to occur at Macquarie Point – as per the Masterplan and details in the Corporation's Master Development Plan; both of which are publicly available on the Corporation's website.

The process for sale of The Escarpment commenced in April 2020, when the Corporation announced the first stage of land release through a public Registration of Interest. This process was used to test market appetite for development in light of the uncertainties in the early stages of the COVID-19 pandemic.

The Minister for State Development, Construction and Housing subsequently announced the Competitive Bid process would commence with a Request for Expression of Interest, which received strong interest from local, national, and international parties interested in The Escarpment. Two proponents were subsequently announced by the Minister as entering the Request for Proposal Stage during the Budget Estimates process just gone.

This information is available on the Corporation's website.

Once fully developed, some 45,000 square metres of public open space will be available on site with a further 34,000 square metres of ground floor activation across each build which must be accessible to the public.

In addition, work has commenced on the following:

1) The diversion of the main sewer line.
2) Remediation of the Roundhouse.
3) Remediation of the area which was the former gasworks.
4) Identifying a long-term tenant for the Goods Shed.

At every step of the Corporation's work, the importance of community, and the ability for the public to access every building on site has been considered.

2(b) The commercial aspects of any developers financing is up to that developer.

2(c) Macquarie Point was always going to comprise a mix of public and private uses. This has always been the intention for the site

APPROVED/NOT APPROVED

Hon Michael Ferguson MP
Minister for State Development, Construction and Housing

Date: 2022

Appendix 2

QUESTION ON NOTICE

Question No. [number] of 2021 Legislative Council

ASKED BY: Member for Nelson, the Honourable Meg Webb

ANSWERED BY: Member for Montgomery and Leader of the Government in the Legislative Council, the Honourable Leonie Hiscutt

QUESTION:

With regard to TasTAFE reforms:

(1) Can the Government provide an expenditure breakdown of all promotional and advertising materials produced to promote the TasTAFE reforms, including:

- creation and placement of all newspaper advertisements; and
- creation and placement of all other forms of advertising and promotional materials.

(2) Can the Government provide the publication schedule of all TasTAFE reform-related promotional and advertising materials.

ANSWER:

(1) A total of $83,628.93 exclusive of GST was expended on the production and placement of marketing and advertising material as part of the TasTAFE transition project to inform the public that draft legislation for TasTAFE was released for consultation.

This included:

- $32,628.93 exclusive of GST on press advertising in the Mercury, the Examiner and the Advocate relating to public consultation on the draft legislation for TasTAFE.

CA

- $26,000 exclusive of GST on radio advertising relating to public consultation on the draft legislation for TasTAFE.
- $15,000 exclusive of GST on digital advertising relating to public consultation on the draft legislation for TasTAFE.
- $10,000 exclusive of GST on press advertising placed on 16 November 2021.

(2) Press advertisements were placed in the Mercury, the Examiner and the Advocate on Saturday 2 October, Monday 4 October, Thursday 7 October, Saturday 9 October, Monday 11 October, Thursday 14 October, Saturday 16 October and Monday 18 October.

Radio advertisements were placed with all major commercial radio stations in Hobart, Launceston, Scottsdale, Devonport, Burnie and Queenstown. The radio advertisements were placed every day from Saturday 2 October to midday on Monday 18 October.

Digital advertisements were placed with Google Ads, both Search and Display ads, and the Mercury online home page takeover. The Google Ads were placed every day from Saturday 2 October to Sunday 17 October and the Mercury online home page takeover was placed on Saturday 9 October.

There were a total of 13,520 views of the TasTAFE transition home page.

This expenditure was budgeted for as part of the Government's $98.6 million election commitment to invest in the future of TasTAFE.

APPROVED/NOT APPROVED

Hon Roger Jaensch MP
Minister for Skills, Training and Workforce Growth

Date:

Appendix 3

	6-Jan	7-Jan	10-Jan	12-Jan	13-Jan	14-Jan	15-Jan	17-Jan	18-Jan	20-Jan	21-Jan	25-Jan	27-Jan	28-Jan	31-Jan
# Dropped	8	2	6	13	20	23	3	1	2	15	15	1	2	5	11
# Scheduled	2191	2221	2191	2191	2191	2221	1061	2191	2191	2191	2191	2191	2191	2221	2237

# Dropped	1-Feb	2-Feb	3-Feb	4-Feb	5-Feb	7-Feb	12-Feb	16-Feb	17-Feb	18-Feb	23-Feb	24-Feb	25-Feb	26-Feb	28-Feb
# Scheduled	8	41	27	100	1	4	1	2	4	5	3	8	4	5	8
	2237	2349	2445	2477	1061	2445	1061	2450	2445	2477	2450	2445	2477	1061	2445

	March - MTD		
	1-Mar	2-Mar	3-Mar
# Dropped	3	1	2
# Scheduled	2445	2450	2445

Appendix 4

Tabled and incorporated into Hansard
L. Hiscutt
9 March 2022

Participants

The Blue Economy CRC has forty Participants as of 30 June 2021.

Participant Name	ABN/ACN
Advanced Composite Structures Australia Pty Ltd	15 144 940 876
Auckland University of Technology	N/A
BMT Commercial Australia Pty Ltd	54 010 830 421
Carnegie Clean Energy Limited	69 009 237 736
Cawthron Institute	9429047263277
Climate-KIC Australia Ltd	95 616 047 744
CSIRO (CSIRO)	41 687 119 230
DNV GL Australia Pty Limited	14 154 635 319
Dredging N/A (Australia) Pty Limited (DEME)	44 001 088 197
East China Sea Fisheries Research Institute, Chinese Academy of Fishery Sciences	N/A
Energia Marina SpA (MERIC)	N/A
Food Innovation Australia Ltd	50 164 124 609
Ghent University	N/A
Gibson's Limited trading as Skretting Australia	23 009 476 064
Griffith University	78 106 094 461
Huon Aquaculture Company Pty Ltd	86 067 386 109
Macquarie University	90 952 801 237
National University of Singapore	N/A
OceanPixel Pte. Ltd.	N/A
Optimal Group Australia Pty Ltd	72 159 359 127
Pacific Engineering Systems N/A Pty Limited	49 002 776 276
Petuna Aquaculture Pty Ltd	62 009 485 581
Pitt & Sherry (Operations) Pty. Ltd.	67 140 184 309
Sabella SA	N/A
SAITEC, SA	42 611 590 017
SINTEF OCEAN AS	N/A
Southern Blue Reef Pty Ltd	65 166 483 861
Tasmanian Department of Primary Industries, Parks, Water and Environment	58 259 330 901
Tasmanian Oyster Research Council Limited	31 050 205 297
Tassal Group Limited	15 106 067 270
Technology Centre for Offshore and Marine, Singapore Ltd.	N/A
The New Zealand Institute for Plant and Food Research Limited	N/A
The New Zealand King Salmon Pty Limited	54 063 201 856
The University of Queensland	63 942 912 684
Universidad Austral de Chile	N/A
University College Cork - National University of Ireland, Cork	N/A
University of Auckland	N/A
University of Tasmania	30 764 374 782
University of Western Australia	37 882 817 280
Xylem Water Solutions Australia Limited	28 000 832 922

Since Report was published three additional participants have joined: Henkoldt, Southern Ocean Carbon Company and Climate foundation.