



**PARLIAMENT OF TASMANIA**

**LEGISLATIVE COUNCIL**

**REPORT OF DEBATES**

**Thursday 25 November 2021**

**REVISED EDITION**



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**Thursday 25 November 2021**

The President, **Mr Farrell**, took the Chair at 10.00 a.m., acknowledged the Traditional People and read Prayers.

**TABLED PAPERS**

**Parliamentary Standing Committee of Public Accounts - Review of the Auditor-General's Report No. 1 of 2016-17: Ambulance Emergency Services**

[10.03 a.m.]

**Ms FORREST** (Murchison) - Mr President, I have the honour to present the Parliamentary Standing Committee of Public Accounts Review of the Auditor-General's Report No. 1 of 2016-17: Ambulance Emergency Services.

Mr President, I move the report be received and printed.

**Report received and printed.**

**Joint Standing Committee on Integrity Committee - Annual Report 2021**

[10.04 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, I have the honour to present the Joint Standing Committee on Integrity Committee Annual Report 2021.

Mr President, I move the report be received and printed.

**Report received and printed.**

**TasTAFE (SKILLS AND TRAINING BUSINESS) BILL 2021 (No. 56)**

**In Committee**

**Continued from 24 November 2021 (page 129).**

[10.05 a.m.]

**Madam CHAIR** - While the Leader is getting herself ready, I will let members know how many calls they have had on this clause. The member for McIntyre has had one, the member for Huon has had one, the member for Hobart has had two and the member for Elwick has had one.

**Clause 45 -**

Infringement notice offences

**Mrs HISCUTT** - We were in the middle of the discussion about infringement notices last night. In that time, my advisors have a more fulsome answer. Clause 45 provides the CEO

may only issue infringement notices if they reasonably believe a person has committed an infringement of an offence set out in the bill, a regulation or by-law made under the bill.

An infringement notice is a penalty imposed on the spot or sent by email or post for offences such as smoking in areas designated as non-smoking. This would be similar as is done, for example, in the Hobart City Council parking by-laws of 2018, where the general manager is the relevant authority who delegates or authorises officers to issue infringement notices for parking violations under the relevant parking by-laws.

Clause 45 allows for the CEO to impose a lesser fine than the maximum penalty set out in the relevant act, regulation or by-law. There are currently no regulations in place for TasTAFE and there are none currently intended.

Clause 32 of the bill provides for the making of by-laws. The current by-laws include the control of vehicles, general conduct on campuses and the establishment of student organisations. This scope is consistent with the existing powers to make by-laws under the Training and Workforce Development Act. The existing TasTAFE by-laws of 2014 were made under section 85 of the Training and Workforce Development Act of 2013 and these will continue until they naturally expire 10 years after their making, at which time the TasTAFE Board will determine their renewal.

If this clause is not included, by-laws with offences will need to be enforced through the Magistrates Court. The current by-laws are able to be enforced by TasTAFE now, so this clause simply enables the by-laws to be dealt with by an infringement notice rather than a court process. I hope this is much clearer than last night.

**Ms RATTRAY** - It is useful to have that information on the public record, because it was not clear to me and others may have felt the same. My one question is, we have already given the CEO delegation powers in the bill -

**Mrs Hiscutt** - For this?

**Ms RATTRAY** - For anything.

**Madam CHAIR** - Except the power of delegation, I imagine.

**Ms RATTRAY** - Yes, the CEO can delegate all. Forgive me for not recalling which clause it was. Is this considered to be something that would or could be delegated? It can be, but would it be delegated? It is very easy to rub somebody the wrong way and end up being on the end of vexatious issues. I would want to know it would be the CEO issuing these and not something they would do by delegated authority. That could open a can of worms.

**Madam CHAIR** - Clause 10(4).

**Ms RATTRAY** - Thank you to the Chair, who has pointed me to that particular clause:

The TasTAFE CEO may delegate, by written notice, any or all of his or her functions or powers under this Act, other than this power of delegation, as specified in the notice.

They do have the authority to be able to send that down the chain. If it is something as significant as issuing penalties it should come directly from the CEO if we are going to go down this path, which I believe we already have with TasPorts. It is a bill that I did not notice it in at an earlier time, but I will be watching for it in the future.

**Madam CHAIR** - TasPorts was established under one of the GBE acts.

**Mrs HISCUTT** - The CEO does have the figurehead role there. He or she also has the power to delegate if desired but there will be a board in place that will be able to direct these things if necessary. If things get really bad there is a board that will be overarching once the amendments have gone through.

**Ms RATTRAY** - But the board is not likely to be issuing infringement notices?

**Mrs Hiscutt** - No, delegations, sorry.

**Ms RATTRAY** - It is only the CEO who can delegate his or her powers?

**Mrs Hiscutt** - That is correct.

**Ms RATTRAY** - I am asking that as a level of comfort that something like that for infringement notices where penalties are to be applied is not something that they would delegate. I know that we have already passed clause 10(4) and that we have already said that if this passes that that is something a CEO can do. However, in the interests of making sure that the organisation is not down to the person who is the groundsperson and sees somebody outside smoking, you do not want that person to have the delegated powers because it could end up with a riot. Can the Leader assure me that a power such as that would not be considered as a delegated power?

**Mrs HISCUTT** - It is expected that the CEO would issue the infringement notices under their name.

**Clause 45 agreed to.**

**Clauses 46 and 47 agreed to.**

**Clauses 48, 49 and 50 agreed to.**

#### **New Clause A**

To follow clause 46

##### **A. Review of Act**

- (1) As soon as practicable after the 6 month anniversary of the commencement of section 4, the Minister is to cause a review into the implementation of this Act and its impact on the operation of TasTAFE.

- (2) As soon as practicable after the 30 month anniversary of the commencement of section 4, the Minister is to cause a review into -
  - (a) the operation of this Act, and the scope and the potential scope of this Act, since its commencement; and
  - (b) the operation of TasTAFE, and its organisational and administrative structure, under this Act.
- (3) This Minister is to ensure that a written report on a review, conducted under this section, is prepared as soon as practicable after the completion of the review.
- (4) The Minister is to cause a copy of each report, prepared under subsection (3), to be tabled in each House of Parliament within 10 sitting-days after the report is given to the Minister.

**Madam CHAIR** - I am wondering whether there may be a slight typo in subclause (3) with 'this' minister, rather than 'the' minister. It is unusual to put 'this' minister. I would have thought it was 'the' minister. It can be a Table amendment, I believe. If the member is happy when he speaks to the amendment we can clarify that point.

**Mr GAFFNEY** - It is 'The' minister.

**Madam CHAIR** - We can make a Table amendment to make it 'The'.

**Mr GAFFNEY** - Thank you.

I move -

That clause A be read a second time.

Madam Chair and members, due to the nature of the proposed changes in this bill and following a period of establishment, I believe a formal review and reporting processes on the implementation, the operation and scope of this legislation would be highly instructive.

Whilst we do have the Estimates and committee processes and the TasTAFE annual report to guide us, I believe the focused two-stage review mechanism that is independent of parliament is one that would give a greater sense of transparency and a deeper understanding of the nature of the anticipated outcomes of this legislation. I suggest a two-part review mechanism as being the most straightforward and reasonable approach, and one that the minister has to implement. The initial six-month review is expected to be a simpler initial review of the implementation and operational impact on TasTAFE.

I am conscious that this would likely occur early in 2023. I would expect that all sides would not like to see this having an overly onerous or complicated obligation on TasTAFE, its staff or board in a period when the organisation would likely be in the final establishment phases of the new structure.



The second 30-month review is expected to be a more comprehensive examination of the nature of the overall impact of this legislation, its scope and potential scope since its commencement, together with a more detailed examination of its impact on the operational side of TasTAFE in its organisational and administrative structures. I would anticipate that the effect of this legislation would be well established by the 30-month mark and a more expansive review would allow us a deeper understanding of the consequences of this legislation, and one that would again be quite different to the standard annual reporting and Estimates processes.

Whilst we do have committee processes within the Legislative Council, my expectation is that the six-month review would be an appraisal and feedback mechanism for and to parliament, and one that is independent of the parliamentary process. It could be likened to the established review and report processes in other legislation both here in Tasmania and other jurisdictions, so we might understand what is happening as a result of this legislation. I would like to think it would identify any issues and challenges faced by TasTAFE alongside any improved strengths and opportunities that have been suggested as the benefits of this restructure. In causing a review into various aspects of the act, I would naturally anticipate that the minister would expect formal input from a range of stakeholders that would inform the review, such as the TasTAFE Board, TasTAFE CEO, TasTAFE staff and other stakeholders, on what has been achieved and any issues that may need addressing.

I believe a formal two-stage review process is highly appropriate given the level of concern with this legislation and the trepidation of TasTAFE staff, and others, on the possible impact of these changes, together with the expectations of industry and business on the expected benefits of this. It would allow stakeholders, including parliamentarians, to have a formal report that would help to inform their own position on future policy points related to TasTAFE and its essential role in our education and industry system.

In seeking to define a reasonable review process and framework to support this, that has been established precedent, and in deliberation with the Office of Parliamentary Counsel (OPC), the review of act provision in these amendments is closer to the more general review of act provisions as in the Mental Health Act 2013.

I note the two-stage process in the report of the initial operation of act and review of act provisions, for example, within the End-of-Life Choices (Voluntary Assisted Dying) Act 2021.

I hope that colleagues support this amendment.

One other thing. If you go to number (2) in the bill on page 9:

'As soon as practicable after the 30 month anniversary of the commencement of section 4 ...'

The explanation from OPC is:

The issue is that section 2 of the amendment allows for the act to commence on a day, or days to be proclaimed.

While OPC expects the whole act will commence on a single day, they cannot say with 100 per cent certainty. They need to tie the time period to a single provision and the continuance of TasTAFE seemed like the early substantive provision to commence. That is

the heading for clause 4. If they try to tie it to commence with the new clause A, then the easiest way to avoid the review is not to commence that provision. That is why it has been tied to clause 4 for explanation from OPC.

**Mrs HISCUTT** - The Government supports this amendment. The new review clause establishes a further accountability measure following the commencement of the legislation and, as the member for Mersey has already said, this approach is broadly consistent with the approach in the End-of-Life Choices (Voluntary Assisted Dying) Act 2021 and the Mental Health Act 2013.

**Ms RATTRAY** - I very much support the amendments put forward by the member for Mersey in regard to a review. This is important. I am somewhat concerned that six months is a really short time frame. I hear what the member has said and what the Leader has said. Was not 12 months considered in your view? I am supportive of the 30 months. I think that is quite a reasonable time frame but we know that six months just flies. I am not even sure that people will know where their desk is in six months time in the significant changes for some, and particularly new people coming into the organisation. I am somewhat concerned that the six-month time frame is very short but I am happy to have the member address his mind to that short time frame while others contribute to the amendment. I thank the member for his proactive approach and I support a review process.

**Mr GAFFNEY** - It is a good question and one that we deliberated over. I will give an example of what this is about. It is about immediate feedback in six months. I have spoken to members from the board about this and they were comfortable with it. For example, they did it in the Victorian end-of-life choices, they had a six-month time frame on a very interesting and very sensitive topic. They gleaned from that whilst there were 52 events in that six-month period, one of the things they found out is a criterion in the legislation says it has to be a specialist who is the second person giving feedback. Of the 52 people who took the event, with 84 per cent it was oncology information they needed from the specialist. Only 11 per cent of oncologists in Victoria had undertaken the training. That immediate feedback then allowed the board to say we need to do some more work with that group so that in the next six or 12 months we can immediately try to do what we can to get more oncologists on board because of the workload.

**Madam CHAIR** - Let us relate it back to TAFE now.

**Mr GAFFNEY** - If they had left it for 12 months, the board would not have had the information in a timely manner. By getting that back in six months they could then do something.

What I am saying with the TasTAFE is, if in six months something is obvious, a track for the board to take, they have the capacity then to act on it very quickly. They had the 12-month annual report but that is a different mechanism. The six-month report is a nuts and bolts report. How is it going? What has happened? Have we lost staff? Have we gained staff? Have we lost a lot of students? That sort of thing. It is immediate feedback. Putting it in the legislation is quite good. I believe that it is a positive step. Whereas, the one with 30 months or two years after that would be about what we highlighted in the first six, what we have done since and how we are we travelling now. Obviously, that would be a more of a full-blown inquiry.

The first six months, I think, is a snapshot of how it is going but we in the parliament would like to know that as well, instead of having to wait to ask in Estimates or for the annual report to come out. That was why I suggested that we go down this path.

**Mrs HISCUTT** - That is how the Government sees it. We see it as a review of a progress report to see how things are going with the implementation. The second review is intended to be more comprehensive.

**Mr WILLIE** - Can I suggest that including a review provision in this bill suggests that the member is a little uneasy with the changes? Instead of trying to put a review mechanism in the bill to fix things down the track, he should vote against the bill. The Government should come back with something that has been consulted on with the workforce. There is an opportunity for the Government to do that. If the member is uneasy about the bill, I believe this review mechanism is not going to be enough protection.

I am interested in the time frames. You have chosen a 30-month time frame when the grandfathering of the workplace relations stuff is five years. So, why would we not put in a review after that major change, when those protections are no longer there? I am interested in whether that was part of the member's thinking, given the divisive nature of this bill.

We have the Government over here and we have the workforce over there. To be perfectly honest I do not think this is enough protection. I think the whole culture of the organisation is going to suffer under this change. Reviews will potentially show that but it will be too late. We will have TasTAFE teachers leaving. I am already hearing stories of some TasTAFE teachers trying to work more in the Department of Education. If this bill passes, they will try to move across because they are uncertain. I do not think a review will give them much comfort.

**Dr SEIDEL** - It sounds like we have a natural experiment here where we try something and we see how it is going and then we have a reporting time frame. If you think about what this bill was meant to be about - flexibility, agility and so forth - it does not seem that the governance structure is even forward-thinking enough to predict what is going to happen. That is why we need to have closer and closer reviews. It is quite reactive. So, we want a very agile workforce and we have a very rigid governance structure in place. It is completely inconsistent.

My question is, do we feel a governance structure in place is fit for purpose for this bill? My answer is, probably not. Which makes me think, then what is the point of this whole bill? There is not one.

I hear what the member for Mersey says, but there are more alarm bells here as the member for Elwick pointed out. There is no reason for this bill to go ahead because the problem it has tried to fix does not exist. Quite clearly now when it comes to governance, the model proposed here is not fit for purpose either. So, what are we doing?

**Ms LOVELL** - I appreciate what the member for Mersey is attempting to do. I think it is sensible to include a review provision, should the bill be supported, because this is a big reform. It is not a big reform for TAFE. My concern is not the first review into the operation of TAFE in six months. I do not think we will see much difference in terms of course delivery or the operation of TAFE as a skills institution.

My concern is the very significant changes that we will see to workplace conditions, which, as pointed out by the member for Elwick, is unlikely to take place in a significant way until further down the track.

This bill would have a very significant impact on workplace conditions. That is the major impact of this bill. This bill will not change the operations of TAFE in any significant way. The bill itself is, in large part, identical to the current act in terms of the operations of TAFE. What it will change is the conditions of employment of TAFE's staff. That is my concern. I worry a review taking place in 30 months will not reflect that to its full extent.

Having said that, I support this because I think we will see some changes in that time. We will likely see some deterioration in conditions of employment. We will likely see a number of staff moving on; we are already hearing stories about that. I support the amendment because, if we are going to go ahead with this, we do need to have a point in time where we can review it. Make no mistake, this bill, if it is passed into law, will have a very significant impact on workplace conditions for TasTAFE employees and, no doubt, on other public sector workers in the future.

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### **Recognition of Visitors**

**Madam DEPUTY CHAIR** - Honourable members, it is my pleasure to welcome to the Chamber the Oatlands District High School classes of grades 7 and 8. They are here to look at how parliament works. As you can see, this is the Legislative Council and we are in Committee for a TasTAFE bill. Some of you may need the services of TasTAFE in future, so you will be very interested. We are discussing whether there needs to be a review in future. I know all members will make you feel very welcome.

**Members** - Hear, hear.

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**Ms FORREST** - A review is entirely appropriate, although there is a question about the timing. After 30 months - that is an odd way of writing it because we usually do it in years.

**Mr Gaffney** - It is two years after the first six-month review.

**Ms FORREST** - Right, that is how it was arrived at. My question is to the Leader, who is supporting this amendment, if things are not going well during either the first or second review - for example, teachers have left or the problems we are trying to address here arise - will the Government be willing to wind back the changes to put it back under a State Service approach?

There are serious bones of contention here. Some people are talking about industrial relations. Everyone in here is talking about student outcomes; ensuring the central focus of this bill must be industry (in the definition of industry I gave earlier in the debate), preparing young people for employment and retraining older people. Everyone seems to agree on that. The bit that is poles apart seems to be the issue.

The review will not just look at industrial relations, although I assume it will consider the industrial relations framework -

**Mrs Hiscutt** - For clarity, are you talking about the review at the end of the 30 months or -

**Ms FORREST** - Both, yes. In terms of a review framework, it does not matter which one. It would be hard to tell with the six-month review; but if there was a mass exodus of teachers and others from TasTAFE on the enactment of this bill, that would be a major concern. I am not suggesting that is going to happen.

**Mr Willie** - Why would some of them hang around? They can earn more in industry. If you are going to be treated like dirt, some of them are going to walk.

**Ms FORREST** - Yes. We know there is already trouble attracting trainers. I spoke about that in my second reading contribution. I hear that everywhere around my electorate. I hear from various industries around my electorate that there are challenges getting students well prepared for employment - not just from the skills base but in basic numeracy, literacy and digital literacy.

A lot of the trainers, particularly in the advanced manufacturing space, even in the construction space, will be paid more - particularly in the construction space at the moment - in the private sector, in their own business. They can pretty much charge what they want, at the minute.

I ask the Leader, if we find things are going pear-shaped, what action is the Government willing to take? It is all right to review it and say, the problem of attracting trainers is even worse now; or if it is much better, you keep going. A review that just sits on the table and collects dust is of little value. I am asking the Leader to say, the Government supports this. I support the review; but I am interested in the action that follows.

I pick up on the member for Elwick's point about the transition arrangements for pay and conditions, which is the area of contention. There is not a review clause for after the grandfather period finishes. I still am not convinced either way by the argument that you are suddenly going to drop off a cliff at that point. However, I accept that the better off overall test (BOOT) kicks in after the five-year period and in any point up to that period where an agreement might end. That might mean people are on a wage freeze from that point forward. They are not worse off. They might be marginally better off - there might be a condition that makes them better off overall, but not a salary. Then you run into problems of attracting staff because it becomes less attractive.

**Ms Lovell** - The BOOT is against the modern award, not against their current pay conditions.

**Ms FORREST** - That is also a bone of contention. I have heard the complete opposite about the starting point. Perhaps the Leader can confirm that, because I hear very different responses to that point.

The impact of this decision should be reviewed. Can the Leader, in responding to that question about what action might be taken, inform us about the five years or any period before that when an arrangement ends? I clearly heard in the briefing that is the starting point. You do not drop off and start from here unless the majority of members agreed to it under a new agreement.

**Ms Lovell** - You are negotiating a new agreement under the Fair Work system which is compared with the modern award, not with their current.

**Ms FORREST** - I remain entirely confused about that. Industrial relations laws are not my forte.

**Ms Lovell** - It is a 600-page act.

**Mr Willie** - That is why the parliament should not be used in this way.

**Ms FORREST** - Yes. A review after the five-year period could be undertaken by the parliament - a Legislative Council committee or Government Administration Committee B could certainly pick that up.

If the member for Elwick is still here then, he could -

**Mrs Hiscutt** - He suggested that yesterday.

**Ms FORREST** - Yes, he could do that; or he could encourage the committee to do it, or we could refer it from this House to that committee. We have that power.

I am interested in the Leader's response about what action will be taken if things were going badly, because there is genuine fear out there. Some of it may be ill-informed to a degree, but I do not think it is all ill-informed. I am confused about the implications under the Fair Work Act and particularly about how, and to what, the BOOT test applies. I accept it is a negotiated agreement based on the majority of members who vote at the time.

**Madam DEPUTY CHAIR** - Before I invite the Leader, I omitted to let our visitors to the Chamber know that their member here is Jane Howlett, and she has a number of ministerial portfolios. You used to belong to the member for Apsley, so that saddens me somewhat. Thank you for coming.

**Mrs HISCUTT** - This is an additional accountability measure, providing further checks and balances. This is a matter of significant public interest. A review is good practice and supports iterative improvement. The review outcomes will inform further policy considerations by government.

Members can see that the minister has spent a lot of time in our Chamber. She is very keen and determined to make all aspects of TasTAFE work better. We see the six-month progress report as highlighting needs and wants in any areas. The minister is very keen to make it work. My advisers are seeking more information.

Our understanding of the way that Fair Work operates is that after five years, if a new Fair Work enterprise agreement has not been settled and the copied state award ceases to operate, there is to be no reduction in the take-home pay of employees. It is set out in section 768BR(1) of the Fair Work Act. What passage would that be on?

**Ms Lovell** - Six hundred-and-something.

**Mrs HISCUTT** - The Fair Work Commission can make take-home pay orders, which I understand would apply to a transferring employee, for as long as the modern award continues to cover the employee. The take-home pay orders then effectively trump any term of a modern award or enterprise agreement that is less beneficial to the employee than the take-home pay award. That is section 768BV of the Fair Work Act if anybody wished to have a look.

**Ms WEBB** - It is interesting listening to the Leader's response. She said the minister will be very interested in this progress report after six months. That rings alarm bells because what we are talking about here is a review, not a progress report.

**Mrs Hiscutt** - No.

**Ms WEBB** - You did use those words. This links a concern about this review. The member may have covered this when he spoke to this originally and I may not have picked these up. I will ask the questions and if it is a repeat I apologise, but would like to hear. Who commissions these reviews, who writes the term of reference and who undertakes them? That is really important. It is fairly minimal, what is in here in the new clause to direct the scope of the review and what it is going to be about. The first one after six months says:

... to cause a review into the implementation of this Act and its impact on the operation of TasTAFE.

That is fairly sparse. It does not speak about how or to what extent it is going to encompass students and teachers and their experience; to what extent it is going to look at the scope of courses and any new flexibilities or flexing that has occurred - all of that sort of stuff.

That is not there in detail, which it should not be in this act, but who sets that? Again, for that 30-month proposed review those same questions because, that is a review into, as said in (a) and (b), the operation of this act, the scope and potential scope of the act and the operation of TasTAFE and its organisational and administrative structure under this act. Again, that is fairly sparse specifying what is to be covered.

The Government is very quick to jump in and agree to this as some measure of good progress, accountability with checks and balances. This whole process to date has not been one conducted by the Government under a good process with accountability, checks and balances. They have not yet subscribed to good process as they developed this policy.

They did not look properly to comprehensively identify issues that needed to be addressed, to comprehensively find and test a range of solutions in an open and accountable way with all stakeholders and then arrive at a proposed way forward. That is not what has happened. We have not seen good process to date. It is concerning there is now an apparent appetite from the Government to have this 'good process measure' added to the bill.

I am suspicious, especially if I am not clear it is not going to be turned into some form of progress update that becomes part of Government narrative and spin at the time it is done, rather than a genuine check-in on what impact has occurred across all areas and stakeholders involved. I am concerned about that and usually would be very keen to support something like this. Review processes are very good practice and can be incredibly important to include. Members here have seen me seek to include them in a range of other areas.

I share concerns raised by the member for Elwick in his contribution a short while ago. Patching things up to look a little better at this stage, putting a bit of lipstick on a pig, can be problematic. If we can then feel that excuses what has happened to date in regard to poor process, and excuses the deep concerns and problems still held about the fundamental proposals of this reform, if this is what greases this to get it through, I believe that is problematic and unfortunate.

In many ways, I am tempted to support putting it in because I think reviews are good practice. If I support this it is not because I believe this bill is okay and that this makes it okay. Once we have had the debate, if I arrive at supporting this inclusion, it will be because I think this particular mechanism is good practice but it will not change my view of the bill as a whole. I am interested to hear more comments and hear the member for Mersey's reflections about my questions.

**Mr VALENTINE** - I said right from the outset that I supported this going into Committee because I wanted to hear different responses to aspects of this bill. I thank the member for Mersey for picking up that the review was not in there in the first place. I hear what the member for Nelson is saying in terms of how important it is to have proper reviews and to have them properly identified and the terms of reference talked about and referenced to make sure we get value from a review.

This bill is duplicating what already exists only it is under a different employment structure, almost. That concerns me. I am in the same boat in regard to supporting this amendment to make sure that if this bill gets through, there is something there that will improve the circumstance.

The member for Huon talked about it being a test or trial to see if it works and if it does not, you might revert to what you had before. What we have at the moment is a well-established vehicle that has capacity and commitment. The driver needs to be given some directions to improve it. What this bill is trying to do is turn it into a hovercraft, which might be flexible but it can also be blown off course by the winds of change.

The member for Mersey's amendment, while it has merit - because this bill has not looked at the depth of things that are needed to make sure the structure being put in place is solid and well-founded and accountable, I have serious concerns. I will still listen, but I find myself thinking that we are sending this out into space hoping it is going to keep an orbit when there are so many things that could go wrong to push it off orbit.

**Ms ARMITAGE** - I will support this new clause. I think it does improve the bill. I hear the concerns of other members. It is a really difficult one for all of us. We want to make sure that the teachers, particularly, are taken care of and looked after. As was mentioned yesterday in many of our second reading contributions, if the teachers are not comforted and not in a good place and feeling happy about their employment, it is very hard to teach and to teach well.

That concerns me. On the other hand, I had another very large statewide employer contact me last night saying they thought TAFE had lost its way. However, they did not know whether this was the best way or not. That is the complex question for us. Will this help or will it not?



My main concern is that teachers continue so they do not lose any of the conditions or pay or anything else that they have, and that the students have a great education and training.

I support the clause before us. As it has been said, it improves the bill. I thank the member for Mersey for picking it up.

**Mr GAFFNEY** - I might repeat myself and I apologise for that if that happens.

The way I see the bill, because it is not a government business enterprise, and because it is not a SOC, the only reporting processes we have available to us are through the annual report from TasTAFE, through the Estimates process, or if we decide as a parliament we want to send it to a committee, if we decide we want to do that.

**Madam CHAIR** - GAB could do of its own motion.

**Mr GAFFNEY** - I stand corrected. GAB could do of its own. That is a process that is available.

What this amendment is trying to do is give extra opportunity for the parliament and for the people to see how this is working. I am attempting to strengthen this legislation because I think there is a greater provision if we have more review. It has nothing to do with whether I agree or disagree with the bill. This has nothing to do with the second reading contributions you have just reinforced about your concerns about wages and whatever. This clause is about, do we want an extra review part in the bill in legislation?

I have no hesitancy about my position on this. This is the same clause. These are the same clauses that we passed in the voluntary assisted dying bill. A six-month operational one. A three-year review. This one is a two-year review. It is not about hesitancy about the issue. It is about what is best for this legislation. I could withdraw this from the Table, and we would not be having the debate, and we would not have the potential to have the review. That is a possibility. If it gets defeated, it is the same thing. I think we would have missed an opportunity. We would have missed an opportunity for the board of TAFE to know within six months they are to do a review independent of that so that they can give it back to parliament with a review on how it is progressing.

Two years later, the board may wish, or parliament may instruct, that we want you to do this, this, and this. Or there could be ministerial direction from what they have from the first six months review. Or there could be some other direction that they want from information they have gleaned, which we will not get through the annual report or the Estimates process. We do not have enough time when we are in Estimates to ask all those questions. It might happen through the GAB government business committee process. They were my concerns.

There are so many hypotheticals about how it could look after six months. I think that is part of the reason why I am up. I think there should be a six-month review to see what is happening. What are the real facts? I did not go too far into being prescriptive because the Government did not know anything about this until I sent my amendments to OPC. I did not want it to be too prescriptive because when you have prescription, you can miss something out that could have been important, and I did not go down that path in the actual amendment.

**Ms Webb** - I was not suggesting it needed to be prescriptive but I am interested to have questions answered about who then does that prescriptive work, the terms of reference and deciding who is going to conduct it and what the scope will be?

**Mr GAFFNEY** - I cannot answer that.

**Ms Webb** - Maybe the Government can.

**Mr GAFFNEY** - I do not think the Government can either because it is my amendment I have taken to them and this is how I see it working.

**Ms Webb** - They could make a commitment maybe?

**Mr GAFFNEY** - It is really important, on one hand we do not like the process that has happened up to date. Yet here we are trying to put something into the bill that is good procedure and a good way to operate, the fact you are looking for a six-month review, report, and then another two years after that showing more accountability to this process.

Even if this amendment is passed or not, we are still going to vote on this bill at the end. The question in the members' minds should be, does this amendment strengthen what this act is about? Then at the end I will vote on it or not, or does this amendment weaken or not assist the bill? Personally, I think it strengthens the bill. All of the arguments I heard - about due process; do not put this in, or support it; are you hesitating or uneasy about the bill - that has nothing to do with what we are doing at the moment. This is about, does this amendment strengthen the bill? If there needs to be some clarification about the six-month report or the two-year report, that may come.

But the Government did not know anything about this until I put it to them yesterday when I went through OPC. From their point of view, if this legislation gets passed and if there is new paradigm in six months time on 1 July, that group or board is going to have a lot of work to do anyway. There is not going to be enough time for a six-month full-blown review with stakeholders and that. All it is, is a six-month review on what has happened. What has been going on? What are the main issues?

Two years further down the track is the time perhaps, for a full-blown review which is a better process than just having an annual report and questions at Estimates.

**Ms Rattray** - Did you address your mind to the suggestion at the end of the five-year period?

**Mr GAFFNEY** - No, I did not. Initially, I had six months, 18 months and 36 months. I had no real reason for that other than that is what I first thought. Then I thought, it is a bit much for a new board to get into, and went six months and then two years. It was a pragmatic approach to what I thought would be a good process. That is my third call.

**Ms Webb** - Clarification - from when you first spoke to this and now. You have been speaking about this as the board who will be the ones doing or commissioning it? Was that your expectation?

**Mr GAFFNEY** - No. The report would be an independent report that would assist the board perhaps with information.

**Mrs Hiscutt** - While the member is on his feet, your clause at point (2) does say 'the minister is to cause a review into the implementation'.

**Mr GAFFNEY** - How the minister does that is the minister's call.

**Ms Webb** - Then it will not necessarily be an imposition on the board at a busy time?

**Mr GAFFNEY** - No. I first had six, 18 and 36. You can put in, from some of the acts, how many members you have on the review, but it is easier if it is just 'the minister is to cause a review' that will feed back into the process.

**Mr Willie** - You said 'independent review' before. Would you be open to put the specific word 'independent' in this amendment?

**Mr GAFFNEY** - No, I would not. I am comfortable with 'the minister is to cause a review'.

**Mr Willie** - And five years, would you be comfortable with that?

**Mr GAFFNEY** - No. That would have to be an amendment.

**Madam CHAIR** - In terms of not having a cross-Chamber exchange on this, the question before the Chair is that new clause A be read a second time. If that is agreed, there are avenues for other members to put amendments to the new clause if they so desire, but they would have to be in writing. We need to have them promptly. Back to the member for Mersey if you have any other comments you wish to make.

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### **Recognition of Visitors**

**Madam CHAIR** - Honourable members, I welcome to the Chamber another group of Oatlands District High School years 7 and 8 students. It is lovely to see you here. We are looking at a bill related to TasTAFE, one of our educational facilities. You are probably aware of it. Your local member is the Minister for Women, Minister for Sport and Recreation and Racing, Ms Howlett in the electorate of Prosser. Until a review five years ago, it was in Apsley. Welcome, I hope you enjoy your time here in parliament.

**Members** - Hear, hear.

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**Mr GAFFNEY** - I am not 100 per cent certain on this and stand to be corrected - it was the minister who called the six-month review in the VAD Act. That is consistent with the minister doing that, the same with the Mental Health Act because that is where it came from.

I go back to the six-month operational review in the Victorian one - it 'assisted the board', as in the board structure, to then determine some of the areas they may need to address further down the track to give some indication.

I hope the members can see the bill is strengthened if these amendments go through. We are still going to have to vote on the bill eventually anyway, whether they are included or not.

**Ms RATTRAY** - I thank the member for Mersey for addressing his mind to the question posed. I am comfortable with the explanation of calling for the initial six-month review. I understand more the reason for the 30 months. The 30 months was an odd time, but two years plus the six months. I absolutely support the fact it would strengthen the bill and give an opportunity to look. We only get about an hour and a half through the Estimates process for TasTAFE. It is not a lot of time to fully explore an entity. Given that now we know there have been some challenges, it is entirely appropriate.

**Mr Gaffney** - While you are on your feet, the good thing about that is the report is to be placed before the parliament, which means you would have that for Estimates to ask further questions.

**Ms RATTRAY** - And also take on board the comment made by Madam Chair in regard to Government Administration Committee B can look at TasTAFE at any time.

**Mr WILLIE** - I want to clarify a few things. This strengthens the bill if it does pass, but I am coming at it from the approach I do not think it is enough of an assurance to pass the bill. I was putting that view forward to you if that was the motivation, but obviously it is not and am happy to accept that. I am happy to support the amendment because it does strengthen bill, even though we are not going to support the bill.

I am interested in other members' thoughts on putting independence into the review. We all know you can predetermine a review if you want to, through the terms of reference, the people who do it, how much independence there is. This is the Government's agenda. They are not going to commission a review that is not going to look favourably on this reform. I am interested in other members' thoughts and perhaps we could support this amendment. I could quickly get OPC to draft an amendment to the amendment, also maybe put in a review at six years, which would give enough time for that five-year grandfathering of workplace protection to pass, then there would be another year that would pass after that time to see what happens. I am interested in that.

**Madam CHAIR** - While the member is on his feet, you have the opportunity to send an email while you are sitting there. That is a matter for the Committee to decide. We cannot deal with that until we have dealt with this question.

**Mr Gaffney** - While the member is on his feet I want to ask a question. If you are saying the minister is to cause an independent review -

**Mr WILLIE** - Yes.

**Mr Gaffney** - or are you saying that an independent review is to be made but you are still saying the minister is to cause an independent -

**Mr WILLIE** - To commission an independent review.

**Mr Gaffney** - That would be -

**Madam CHAIR** - Order. That is a debate for another time if it is put before the House.

**Mr WILLIE** - I have some concerns about how it is drafted and how the Government may commission that review, whether it would be independent, whether the terms of reference would be objective or whether a predetermined outcome would be designed.

**Mr VALENTINE** - I want to assure the member for Mersey I will be supporting this. I am not intimating that I would not support this; I certainly would and I will. Going to who it is that actually calls the review - independent or otherwise - it is still going to be the minister. At the end of the day they are going to choose. They are going to choose who the independent person should be unless there is another mechanism of doing that and that is what we need to set our minds to when the time comes as to how the independent body or person that does this review is chosen. We might have to think about that if this gets through the second reading.

**Mr WILLIE** - If I send OPC an email asking for an amendment to the amendment, can we report progress for that to happen or postpone the -

**Madam CHAIR** - Let me check on the best process for that. The advice is that you can move that the consideration of new clause A be postponed, and the question you could ask is that new clause A is read a second time and be postponed, and then we can go on to the schedules and come back to that.

**Mr WILLIE** - Madam Chair, I move -

That new clause A, as read, be postponed.

As per my previous comments, I am concerned about the way that this review could be commissioned and whether it would be independent and an objective review that would give the parliament a good idea of how this reform is progressing.

**Mrs Hiscutt** - I am looking for some clarity. Are you proposing an amendment that reads:

Subclause (1). As soon as practicable after the six-month anniversary of the commencement of section 4, the minister is to cause an independent review into the -

Is that what you are proposing?

**Mr WILLIE** - Is to commission an independent review into the implementation.

**Mrs Hiscutt** - 'The minister is to commission an independent review', is what you are looking for.

**Mr WILLIE** - Yes.

**Mrs Hiscutt** - Thank you for the clarity.

**Mr WILLIE** - Sorry, the second part - still the question before the Chair.

**Madam CHAIR** - I think we need to put this question, that consideration of new clause A, as read the second time, be postponed.

**New clause A postponed.**

**Mrs HISCUTT** - To progress the member for Elwick's amendment to the clause, I am about to report progress to enable that to happen. To save time, we will move onto the second reading of the container deposit legislation while the member for Elwick is doing his business.

**Madam CHAIR** - By way of explanation, our rules require us to deal with all clauses and all matters related to the clause before we go onto the schedules. The next part is the schedules, so that is the advice from our Clerks.

**Mrs HISCUTT** - Madam Chair, I move -

That the Committee do report progress and seek leave to sit again at a later hour.

**Motion agreed.**

**Progress reported; Committee to sit again at a later hour.**

## **CONTAINER REFUND SCHEME BILL 2021 (No. 54)**

### **Second Reading**

[11.13 a.m.]

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

That the bill be now read the second time.

The Government is pleased to be introducing the Container Refund Scheme Bill 2021 into this House. The purpose of this bill is to establish a container refund scheme, a crucial policy initiative helping us to deliver on our commitment to build Tasmania's circular economy, reduce litter and increase recycling.

Beverage containers make up 43 per cent of Tasmania's litter by volume. A study conducted in 2017 found that more than 7 million beverage containers were littered around the state in that year alone. As has been clearly demonstrated in other jurisdictions, a container refund scheme will reduce beverage container litter and result in purer, cleaner streams of recyclable containers, maximising recycling rates for these materials. Modelling undertaken by the department indicates that beverage container litter will be cut by almost 50 per cent with a container refund scheme in operation, keeping millions of bottles and cans away from our roadsides, parks, beaches and landfill.

Like all schemes currently in operation across Australia, our scheme is based on product stewardship principles, where the cost of recovering containers is built into the sale price of

those containers and it is important that these costs are minimised, whilst the number of containers returned is maximised.

The scheme will promote better environmental outcomes, create employment and provide opportunities for local businesses, while also enabling charities and community organisations to raise money to fund their valuable work. In February 2021, the Minister for the Environment announced the governance model for the scheme. It was a split responsibility model, bringing the beverage, waste management and community sectors together to deliver the best scheme for Tasmania.

The split responsibility model - operating in New South Wales, ACT, and announced as the Victorian Government's preferred model - involves a scheme coordinator who will run the administration and finances of the scheme, while the network operator runs the network of refund points and is paid per container returned. In this model, each sector plays to its strengths. The scheme coordinator is incentivised to keep costs low, and the network operator is incentivised to ensure that as many containers as possible are returned through the scheme.

The announcement of the split responsibility model for Tasmania's container refund scheme was publicly supported by the Local Government Association of Tasmania, the Waste Management and Resource Recovery Association of Tasmania, the Australian Council of Recycling, the Boomerang Alliance, Clean Up Australia and Charitable Recycling Australia, which represents many charities.

The Government hopes that by the end of next year, Tasmanians will be able to receive a 10-cent refund for every eligible empty drink container they return to a designated refund point for recycling. This time frame of 2022 was based on research from other jurisdictions, which clearly showed that there needs to be adequate time to put in place the policy research, consultation, infrastructure, and rollout of the large-scale behaviour change activity.

There will be a network of refund points reaching all parts of Tasmania, including King Island and Flinders Island. The design of the scheme strikes a balance between the refund point network that is accessible and makes returns convenient for the community, and keeps the collection and administration costs of the scheme as low as possible. We want to make sure that all Tasmanians can get a refund for their empty containers wherever they live. So, whether you're in Scottsdale, Queenstown, Ulverstone or New Norfolk, there will be a refund point nearby. There will be refund points on King Island and Flinders Island. There will be more refund points across Tasmania than there are Service Tasmania offices and, like Service Tasmania, they will service the whole of Tasmania not just the big centres.

Minimum standards will be in place for the network of refund points to ensure this is achieved, while still allowing flexibility for the network operator. At the refund points, you will get an immediate refund for your empty containers, whether it is from a reverse vending machine, over the counter in your local shop or at a depot. Importantly, eligibility of containers will be consistent with what other states are doing, ensuring harmonisation between schemes. This provides clarity for both consumers and the industry.

The involvement of the Tasmanian community will be critical to the success of Tasmania's container refund scheme. In particular, the Government is committed to maximising the opportunities for charities and community groups around Tasmania to benefit from the scheme. All charities and community groups will be able to run donation points,

where they can receive donations of containers from the community and collect 10 cents per container for their organisation. This is a great way to get local communities engaged in the scheme and works well for trusted local organisations run by volunteers. Further to this, all charities and community groups will be able to register for a refund account so members of the public can donate their container refunds directly to a charity or community group of their choice. Any person or group can apply to the network operator to run a refund point and receive a handling fee. The network operator will provide administrative, transport and other services to refund point operators.

Throughout the design of the scheme, the department engaged an expert reference group, made up of representatives from the beverage, retail and hospitality industries, the waste and recycling sector, environmental groups, local government and charities. This group provided valuable input into the design of the scheme. I thank them very much for their contribution. The Waste and Resource Recovery Ministerial Advisory Group made up of the Tasmanian Government, local government and resource recovery sector, and the industry stakeholders also provided valuable technical advice and input into the development of the scheme. We thank them very much for their considered advice.

A five-week public consultation period for the draft bill was undertaken from June to July this year. Over 3500 people contributed to the public consultation through either a formal submission or by filling out a short online survey. The feedback was overwhelmingly positive, with 98 per cent of survey respondents supportive of the container refund scheme. The minister's department also held a number of webinars, both for the general public and targeted stakeholder groups.

Feedback from the public and the stakeholders has been used to improve the scheme's operational design. For example, one consistent message from the consultation feedback was the potential impact on Tasmania's many small and boutique beverage producers. The minister's department has been working with small beverage manufacturers and suppliers to ensure their concerns and issues are heard and understood.

We have all heard directly from a number of small producers. I have, in particular. The department contracted three advisers from the local small beverage sector to provide their knowledge and insight into the challenges facing this sector. This has resulted in a package of initiatives that will assist our small business producers to be part of the scheme in a way that no other state or territory container refund scheme has done before.

In Tasmania, there will be no fee for container approvals and a grant program will be provided for Tasmanian small beverage producers to reduce the administrative and transitional costs of entering the scheme, such as adopting barcodes for their products for the first time. In addition, all beverage companies will be exempt from paying into the scheme for their first 20 000 containers sold each year. That means many of Tasmania's smallest and newest beverage companies will not pay into the scheme at all whilst their customers can still claim a refund on their containers. This approach is equitable and fair to all producers but will be of most benefit to Tasmanian businesses for whom the additional costs of the scheme would have greatest impact, recognising the vital role they play in tourism, hospitality and regional employment in Tasmania.

The Container Refund Scheme Bill 2021 covers establishment of the scheme, requirements for container approvals and identifies scheme participants. It also explains the



administration of the scheme, including the roles of scheme coordinator, network operator and other key participants. The Government will ensure that various details of the scheme are expressed in regulations, such as container approvals and labelling, the refund amount and the minimum standards for the refund point network. This will enable the Tasmanian container refund scheme to be sufficiently flexible so that future changes, including national harmonisation efforts and the changing nature of the beverage market, can be adequately addressed.

The Government acknowledges that kerbside recycling services already offer an effective and relatively low-cost system for collecting and recycling containers used in the home. This will continue. Eligible containers collected through kerbside services will be identified at resource recovery centres and refunds returned to councils, effectively reducing the overall cost of those services.

The advantage of the refund scheme is that it separates beverage containers at the source, creating cleaner streams of recyclable material that are of high value for downstream processing. The Government's aim has always been for the container refund scheme to complement the existing kerbside recycling system and infrastructure. The refund scheme adds a new initiative to avoid littering.

The Government is aware of the unique requirements for our island councils, King Island Council and Flinders Council. We want all Tasmanians to have access to this scheme and all Tasmanian communities to benefit. We will require the network operator to work with these communities to devise arrangements that meet their unique needs and ensure the scheme works for them.

The Government will continue to move forward on the implementation of the scheme. Our time frame is ambitious but achievable. Next steps will involve making regulations to support the bill and concurrently commencing the tender and selection process for the scheme coordinator and the network operator. The Government is pleased to be taking action to reduce litter and increase recycling by introducing a container refund scheme for Tasmania. I thank everyone who has participated and provided feedback. We have listened to their views and we are taking action. This bill is what the people of Tasmania want and we are here to deliver with this bill.

I commend this bill to the Council.

[11.25 a.m.]

**Mr VALENTINE** (Hobart) - We have had a lot of lobbying when it comes to this particular bill. I thank the Leader for organising the briefings, for all of those who came to brief us on their particular take on this bill and move by the Government to set up the scheme. We even had people webcasting in to give us their opinions.

I found the department's briefing quite interesting. I asked a question about the various schemes and what my focus was. They said the scheme that collects the most containers is the most successful. I absolutely 100 per cent agree with that.

The focus should be on getting plastic and glass bottles and containers out of the environment. I do not know about you but every time I drive south down towards our shack at Boomer Bay, I am amazed at the number of bottles and containers that are sitting in gutters. It

is unbelievable. I do not know what people think when they are throwing these things out the window.

**Ms Rattray** - They are not.

**Mr VALENTINE** - They must be thinking something. They must think it will break down or degrade. I do not know, but we all know that these things last for many years in the environment. Bottles simply do not break down. They cause fires for the most part.

**Ms Rattray** - And they look disgusting.

**Mr VALENTINE** - They do look disgusting. There is no doubt we have to do something about this and the big question in some people's minds is how you do that.

We heard that Victoria has an intention to go with the split responsibility model. The scheme will allow anyone to establish a donation point. That is pretty important.

Footy clubs and organisations like Vinnies and Scouts, et cetera, can set up. Those of us who are old enough can remember back in the 1960s when the container deposit scheme was alive and well then. Scouts used to get around and collect these things. It was a great source of revenue for them. From my memory, you could drop them off at the shop. I do not remember who it was that actually coordinated that. I was a bit young, but quite clearly, it was something that really underpinned the Scout groups and gave them some much-needed funding.

This split responsibility scheme appears to allow that. Under the split responsibility model there is an incentive to collect material to gain the return. I think that is the key.

I hear the concern of the likes of the James Boag company and the Tasmanian Small Business Council. They have all written to us. They are concerned about the fact that it is going to cost them. There are some that would say, well it is in their interests to be running it, because for every bottle not collected, they are basically able to keep the deposit. You can see, from a business perspective, that might be something they might want to go down, but it is not necessarily going to best serve the community as I see it, as I balance this up. I will listen to the debate.

We had an opportunity to consider what was happening in other states. We were told that New South Wales started poorly. They did not have enough time to allot it to make it work properly. That is a lesson to be learnt. From the information that we were provided, it is my understanding that collection points in Queensland are not available in supermarkets and other retail locations, but there are 307 collection points legislated. Indeed, that is all there are, 307. There is a 60 per cent return rate after three years. Now, I know that some might say that it is not there at this point and it is improving. However, in New South Wales again, my understanding is there are 650 collection points at supermarkets, Vinnies and those sorts of places.

In the legislation there is a legislative minimum of 450. Quite clearly, the New South Wales model is enabling a greater number of collection points, indeed 200 more that have been set up. Small businesses and charities are involved. My urging to the Government would be that if this gets through, that small business is fully engaged. I do not see any barrier to them

being engaged. If the Leader could clarify that there is no problem with small business putting their hand up to be available to be a collection point in this system.

**Mrs Hiscutt** - Through you, Mr President, while the member is on his feet, there is no barrier to that.

**Mr VALENTINE** - I think there are different pieces of information flowing around. The lowest performing scheme costs the consumer more because there is a greater opportunity for them not to get their 10 cents back, or for an organisation to get the 10 cents back, which those who run the scheme get to keep. We do not want a low-performing scheme. Here in Tasmania, having had it here before, there would still be a lot of people around who can remember those days. Getting less, yes, I know, I am showing my age. But it worked, and it worked well.

When I was in local government, back in the 1990s, we were dealing with the idea of a possible container deposit scheme. We were told at that point by the recycling companies - I think it might have been Veolia, it might have been the one prior to that. I will not state unequivocally who it was but their issue was that if you take glass out of the recycling system, in other words by putting them into a container deposit system, that you are actually taking the profit, if you like, out of the recycling industry. That was all about the fact that you had to ship it offshore. With the bulk of the recycling being glass probably at that time, cardboard as well as plastic, there was a big opportunity there if it went away from that particular company that they would find it difficult to continue the recycling processes that they had in place. It simply would not be profitable for them.

My question to the Leader would be: Has that been considered? Are there issues and concerns with that? I am interested to know about the attitude of the recyclers.

I am encouraged by another bill that we are going to be dealing with. I do not think it is going to be today.

**Mrs Hiscutt** - We will see how we go for time.

**Mr VALENTINE** - Are we going to go until 11 o'clock tonight again?

**Madam DEPUTY CHAIR** - No. I think there will be a mass walk-out if that happens.

**Mrs Hiscutt** - I can assure members that will not happen tonight.

**Mr PRESIDENT** - Just when we were getting used to it.

**Mr VALENTINE** - Some of us are. Someone said, 'How are you feeling'. I said, 'I am okay; I have the matchsticks in place'.

Things are looking up in the recycling space and I commend the Government for bringing this forward. I support the bill. It has a lot of merit.

Consumer convenience is fundamental to it. People will not go out of their way to drop off their bottles and their containers if it is not convenient. They would probably put it into kerbside recycling.

I seek clarification from the Leader about what happens to glass in kerbside recycling? I believe that bottles will be taken out of it and put into this system. Putting bottles in a recycling system means you get more broken bottles and they become a problem to deal with. Whole bottles and broken glass together is very difficult and costs a lot more.

I hope that wine bottles are included in the recycling process. It was easier when we had the glass manufacturer at Moonah, because bottles were produced here and crushed glass could be sorted and recast into new bottles. That is no longer the case, and we have the issue about what happens to the material. It is all right for us to collect and get a refund, but the last thing we want to see is stockpiling. I asked about that fundamental problem during briefings. Can the Leader provide some comfort about not having huge stockpiles of material?

**Ms Rattray** - Like we do with big piles of tyres everywhere.

**Mr VALENTINE** - Tyres are an issue.

Stockpiling sticky bottles bring rats and other vermin. No doubt, those who run the scheme like the Scouts and Vinnies would be washing bottles before they store them. That would be important if they want to avoid problems with vermin.

The bottom line is that we want to see this material out of the environment and re-used. It is so important.

There is an argument that the single operator creates more jobs and is not as costly as the split model. That issue is secondary to getting the material out of the environment. It is important that jobs are created with this system. I do not deny that. However, we do not want to see jobs and employment overtake the need for getting the material out of the environment. That is really important. In my view, the split model that the Government is putting forward will achieve that.

We heard about Queensland having a \$61 million surplus and New South Wales has a \$0 surplus. There are questions about why that would be. The failure in Queensland to meet the 79 per cent target is a \$52 million cost to the consumer. Under the split model there is free transport, data tracking and reporting, and insurance. Under the Queensland model there is not.

Lots of arguments are being put to us by some environmental groups to say this is the way to go. Other environmental groups are saying, no, we need to look at the major producers, and go down that track. Who has the biggest incentive to get them out of the environment? That is the way I see it. The biggest incentive is produced by the split model.

I will listen to debate but this is something we need to get on with. This has been hanging around since the 1990s for me, with 20 years in local government. It is time. I would appreciate answers to those questions, especially about the recyclers and their attitude to taking glass and plastic bottles out of their waste systems.

I support the bill.

[11.42 a.m.]

**Ms RATTRAY** (McIntyre) - In 2011, one of my former colleagues in this place said this is a no brainer. Nothing has changed.

**Mr Valentine** - Which former colleague was that?

**Ms RATTRAY** - The member who sat in your seat - the former member for Rosevears. I have the *Hansard* here to prove it, Mr President. He said this is a no brainer. He said that to a motion put forward by the member for Western Tiers at the time, Greg Hall. Greg has been a strong and fierce advocate for container deposit legislation as long as I can remember.

When I arrived in this place in 2004, my first committee was the Environment, Resources and Development Committee. I thought I won the jackpot, because it was one of those travelling committees. The travel was fantastic, but you also learned a lot. The first joint House committee was waste management in Tasmania. It no longer exists.

A report from 2006 absolutely supported a container deposit scheme for our state. We could not understand why we did not have one. As we meandered around the country - or rather, to three states - the message, particularly in South Australia, was 'for goodness sake get on with it'. That was in 2006.

Look at all the years that have passed by, and here we are - still talking about it and we have not acted on it. I absolutely support the principle. My dilemma is whether this is the right scheme, and it was mentioned by one of my colleagues this morning. If TasTAFE was this far apart, these are this far apart, these ones are this far apart. How do we know that we have the right scheme, the right model in place to make this work? I endorse 100 per cent the words of the member for Hobart. This is about getting litter and recyclable items back to where they belong, in a useful place, not littering our roads and our parks.

Litter is getting worse and worse in this state. I feel really disappointed, often ashamed, particularly in some of the areas that I drive around that belong to me. I do not have time to stop and pick up every piece on every stretch of road where there is litter. It is mostly cans. Earlier in the year - and I talked about it in this place - we had a litter drive in Dorset, we had a clean-up day. It was Clean Up Australia Day.

I cannot thank enough the Lions Clubs not only in my area that put their hands up and said, 'Yes, we will be part of it'. I will tell you a story about the Deloraine Lions group. They have a champion in this area, a champion called James Harvey. He has been doing the rounds of communities, speaking to all the Lions Clubs about the benefit of a container deposit scheme for our state and how their clubs can get on board and support this. He is looking at being able to put bins into schools. If you do not have a Lions group, you might have a Rotary group, you might have - I do not know whether we have many Leo groups anymore or whether we have -

**Ms Forrest** - There are some, not many.

**Ms RATTRAY** - Not many, no. There is always a group of some sort in every community, whether it be the Scouts or whether it be your local footy club. It might be your Surf Life Saving Club at Bridport.

**Mr Valentine** - Parents and Friends organisations.

**Ms RATTRAY** - Parents and Friends. I believe all manner of groups would be onboard. It would not only be a great initiative for our young people to learn that there is value in a bottle or in a container -

**Mr Valentine** - That is not to say that it is easy to set up these things. Obviously, there is lots involved so it is not a fly-by-night operation.

**Ms RATTRAY** - It will be a significant cost. In the contact we have had from many organisations, we have heard about the cost to industry. That is one of our greatest concerns. Whether we like it or not, we have to listen to both sides of the story even though I 100 per cent support this initiative. I supported it in 2006; I supported the motion in 2011, which the member for Murchison will possibly recall.

**Ms Forrest** - I was going to recall it, yes.

**Ms RATTRAY** - This is a no-brainer. It is an opportunity we need to take and we need to take it as soon as possible. Again, the question comes back to whether this is the right model for our state. I am not going to recycle all the words but interestingly, there has been a survey done, which we were told about that in the briefing yesterday. There was a survey done in 2011 as well, which is talked about in this report. An EMRS survey in May 2011 showed 1000 people in Tasmania supported a container deposit and refund scheme. Support is strong; 91 per cent of respondents supported such a scheme.

**Ms Forrest** - It has dropped.

**Ms RATTRAY** - And 75 per cent said that they would strongly support such a scheme.

**Mrs Hiscutt** - It is 94 per cent now.

**Ms Forrest** - Is it? I thought it was less. Sorry, my apologies. I misheard that.

**Ms RATTRAY** - Yes, 94 per cent. So, 3 per cent more have got onboard since 2011. It is not really surprising that there is a focus on our environment but I do not understand why people think it is okay to put their rubbish out their car windows. I will never understand that. I have some concerns. I supported the member for Hobart in his contribution on why it does not cover the likes of wine bottles. Not too many people drink boxies these days, Mr President.

**Mr Valentine** - No, they do not.

**Mr Willie** - Goonbags.

**Ms RATTRAY** - Your words, not mine. We are a wine-drinking society. We like nice wine. You do not buy it in a box.

**Ms Forrest** - Some of us would say Australians are beer drinkers, but there you go.

**Ms RATTRAY** - There are a lot of us who are non-beer-drinking people, but we drink bottled wine. We need some way of making that a recyclable item.

**Ms Forrest** - It is recycled through your kerbside recycling.

**Ms RATTRAY** - Yes, but to get some benefit back from it. We will have what I believe is an impost on business. I particularly refer to small business. I will read from one of my small businesspeople, who has some concerns about the impost this will have on their business:

We're also told that a CRS will help clean up our litter problem, yet it doesn't address the big 6 of litter's 'dirty dozen', namely, cigarette butts, fast food containers, plastic straws, plastic bags, cardboard and paper.

For small beverage producers ...

I will not name the business I received this letter from -

... the compliance costs for a CRS will be exorbitant. We would need individual bar-codes for each of our 20-odd product lines and the new CRS-compliant labels. At least \$10k for starters, plus extra labelling costs and countless hours of administration involved in providing monthly data.

That is a question to the Leader about the assistance and support for small businesses if this passes in whatever form. There may be some opportunity.

It talked about Launceston-based Morrison Brewery's experience with the New South Wales CRS. It caused them to completely withdraw their product from the state:

Paul Morrison says the extra time spent in administration and the lack of help from the provider's office outweighed any benefits in extra sales. Small Tasmanian beverage producers should be exempt from the CRS, which is clearly aimed at the likes of VB and Coke.

Relatively low deposits ... provide less incentive to redeem through depots. Both reports to government on a CRS (Hyder Consulting, 2009 and Marsden Jacob Associates, 2018) ...

This was referred to in our briefings, which were very much appreciated. I felt a lot clearer after that briefing yesterday. I thank the Leader and her advisers for the information, and all the people who were good enough to give us their time and present their views on this really important legislation being proposed. I will go on:

... Marsden Jacob Associates, 2018) stressed that 10 cents was too low a financial incentive. They recommended a 20 cent minimum refund and robust exploration of alternative options. Both pieces of advice have been ignored by successive state governments.

We already have kerbside recycling services ...

Which has already been touched on by the member for Murchison -

... which reach around 90 per cent of Tasmanian households. The only real beneficiaries of a CRS would be ...

Wait for it -

... an enterprising 12-year-old who might make a quick \$20 or \$30 by scavenging on bin night.

If I had an enterprising 12-year-old and they wanted to get out and earn themselves \$20 or \$30 on bin night, I would probably be pretty happy about that.

The proposed CRS would result in an unnecessary, uneven and unwieldy model which would largely duplicate existing recycling services and would most likely have minimal impact on general littering outcomes.

A small business in my electorate with genuine concerns. I pose the question there on support for small business and if we are going to implement this it is estimated it might cost \$10 000. To a larger business that might not seem like a lot of money, but to a small business that could be make or break.

I appreciated receiving that information. As we know, we have received numerous pieces of other legislation from larger entities also; the James Boag representative -

**Ms Forrest** - You said legislation, you mean communication, don't you?

**Ms RATTRAY** - Communication, sorry, thank you. We know there were some complaints in the media not every organisation that would have liked to have briefed the Council were able. As always, it is difficult and I absolutely sympathise with the Leader in trying to manage the number of requests the Leader's office receive, not only from companies, individuals and organisation, but members as well representing. I was fortunate to have had one person I asked for yesterday represent on behalf of their industry, but others missed out. I thank them for taking the opportunity to provide the written information, and James Boag Brewery and Nathan, who we met on the celebration day, has been good enough to provide some information.

Obviously, I am not going to read it all, but it asks for the legislation to be scrutinised by an upper House committee and talks about the process to determine the scheme's model, recommendations from Government commissioned by, again, the Marsden Jacob's report, then wants to know the reasons why Government ignored that advice it commissioned. Consultation process, legislative scheme objectives are narrow compared to best practice in modern schemes in Australia. I feel sure the member for Launceston will talk about the WA experience as she has firsthand knowledge, and I am interested in hearing more in the member's contribution.

It talks about the compliance with the Tasmanian Government's own Buy Local policy. Is there is any response to that on the public record now? These are committee questions they are asking for.

**Mrs Hiscutt** - What particular aspect?

**Ms RATTRAY** - It says compliance with the Tasmanian Government's own Buy Local policy. I have not contacted Mr Callum to see what that actually entails, but what does that have to do with the Tasmanian Government's own Buy Local policy? Perhaps there might be some answer available, if not I am happy to follow up with the gentleman at a later time. Obviously, the impact on local Tasmanian industries, including tourism, hospitality, craft breweries, major breweries and their customers.



They are genuine concerns and we were fielding those. There is also one that came from Cider Australia. After two or three pages, the recommendation is that the Government should revisit its regulatory impact statement to reflect the true cost to industry, and in particular the implications for small producers. There is concern on the proposed model, predominantly from the larger businesses where we know there will be an impact, but does it impact as great as what it would on a small business? Questions that require an answer.

We have been provided with quite a few pieces of information actually asking us to forge ahead with this and support the split responsibility model. In one particular case, we received some information from a group who are very supportive of what is being proposed. It says the case for Tasmania's container refund scheme, to adopt a split responsibility model, is demonstrated in the Government's decision to propose an independent network operator and separate scheme coordinators despite hard lobbying by Coke and Lion for sole operator models. It gives quite a bit of information and provides a significant amount of detail. If this was to be scrutinised by a committee of the parliament, they would have pretty much all the information they would need at this point in time.

Self-help: we have heard a lot about those living with a disability and how something like this can certainly be of benefit to those organisations that rely heavily on opportunity for people who are involved with their organisations to have some meaningful work. It is important to have meaningful work. The Self Help Workplace has asked us to support this. They talk about the mission is to run supportive and inclusive social enterprise for people living with a disability in Tasmania, which provides skills development, value for customers and friendship. They are keen to be involved in a container recycling scheme and gave a list of very good reasons why it is important for us to proceed with this.

We heard, in our briefing yesterday, some of these particular groups are ready to go. Even if it passed this House, in the immediate future, it is still going to be a 12-month lead time. We know it is not going to happen overnight, because we cannot put that impost on small business - it is important people have to prepare.

I talked about James Harvey, the Deloraine Lions Club member who is proactive in this area and his idea that receptacles are placed at schools. Then local service clubs, whether it be a Lions Club or whatever, arrange for the collection and have involvement. He advised TOMRA Cleanaway said they could assist with the collection of bins in cities, major and minor regional areas, and if remote areas could bring them to central points, they would pick them up and empty. The process and return at a lesser rate than 10 cents are huge examples of Hobart. Lions - this is what he is expecting - might receive around \$250 000 per year, and half would go to the schools and half would go to the community. That sort of money shared amongst school facilities would be a wonderful thing.

He asked a question about the cash. He said given that we are heading towards a cashless society, whether it would be prudent to look at having that voucher system in place. We talked about that in the briefing. I was not surprised when I heard the advice come back from the department, that people's main desire was to have cash. If it is a 12-year-old or a 22-year-old, having the cash in their pocket after they have done their recycling and deposited would be a huge incentive. It is important to consider that we have a model where cash can be redeemed for the effort put into a scheme like this.

If you are putting bins in schools, they are not going to come cheaply and there would need to be some support from government in establishing those receptacles. Whether they are part of the network provider arrangement, I am not sure how that might work. Those details are to be ironed out and the Leader may have some more information and I would be interested in that.

Mr Harvey said that having a container deposit scheme will strengthen communities and build positive relationships. It is a win-win. He has taken the opportunity to speak directly to Jeff Maguire from Coca Cola. He said he had a 55-minute discussion and he was going to provide some details to James. He said that had not arrived as yet. There is some work to be done in regard to that. James goes on to say, 'My point is that beverage giants who will be part of the coordinator role in a split system are possibly pushing for more control and there is a view that that will be a financial disadvantage to their companies'.

James' idea is that the split system keeps both players honest and this is the best system. If there is no split system, then the beverage company wins with up-front costs applied and no pressure to return as many as possible, so they pay less at the other end. We heard a little of that from the briefings yesterday.

He asked the question: why are not wine and spirit bottles involved? He was told that they did not know. Heard the excuse from too many wineries and too many distillers. 'I heard that the wine bottle is at the end of its recycle lifecycle and 70% is unusable.' I do not know if that is a fact, but we know that Mr Harvey had done a lot of research. It would be interesting to know if that is the case because there has been that call, not only from me but the member for Hobart and we have only had two speakers.

**Mr Valentine** - It may well be simply the fact that there are so many different shapes and sizes in wine bottles, it is a sorting nightmare.

**Ms RATTRAY** - It is all glass.

**Mr Valentine** - That is if you are going to put it through a furnace but, if you are going to re-use them, it is a different story. I do not know what the main issue is and that is why I asked the question.

**Mrs Hiscutt** - I want to clarify and correct the record. When the member was talking about percentages on EMRS polls I said it was 74 per cent. I have looked back through the second reading speech here and would like to confirm it is 98 per cent.

**Ms RATTRAY** - You said 94 per cent.

**Mrs Hiscutt** - I said 94 -

**Ms RATTRAY** - I said 91 in 2011.

**Mrs Hiscutt** - Yes but it is currently at 98 per cent. I wanted to clarify that on the record.

**Ms RATTRAY** - I thank the Leader for that clarification. Obviously, more support. By the time we get to the end of our second reading contributions it will probably be 100 per cent.

The member for Hobart talked about the bottle factory. It is a pity we do not have a bottle factory. Perhaps there might be a bottle factory in the future because the crushing of the glass is the only way that it is going to be viable.

**Mr Valentine** - It is just that the furnaces are very expensive to run and if there is not enough throughput that is why CRS - I cannot think of the old company - that is why they moved out of the state.

**Ms RATTRAY** - It seems a shame but, again, it is economics that come into those sorts of things. He talked about what a great story it would be if we could do that.

**Mr Valentine** - CGI, was it? I cannot think. CGI, I think.

**Ms RATTRAY** - He talks about, 'we need to make this a Tasmanian CRS to ensure that we are world leaders, by using the schools we will get generational change at the right level to promote via family pressure upwards to do better and rewarding the kids at school'. Recently, I listened to a story about how the fire service goes around schools informing kids about having a home safety evacuation plan. I think it was the member -

**Mr Willie** - They visited lots of my primary school classes over the years.

**Ms RATTRAY** - Yes. That is the generational change. They go home to their parents or their carers and say, 'This is what we have to do. We have to have this in place'.

**Ms Forrest** - In my area firefighter Craig tells them that. He is a good friend of mine, firefighter Craig.

**Mr Willie** - They are a hit with the kids, the firefighters - and some of the teachers.

**Ms Forrest** - We are off the track here from recycling.

**Ms RATTRAY** - It is about that generational change; that was the point I was making. It is about instilling those values into our children at an early age. Once you get that instilled you have to hope that it stays with them. It is a lifelong journey then. They see the value in recycling and looking after our environment, doing the right thing.

James says that we do not need an inquiry; it is not necessary on any level; it is close to the right framework; it may need a little tweak here and there. We need to make this typically Tasmanian - I like that, 'typically Tasmanian' - with the smart ideas that make it fit for the twenty-third century and beyond. Scary, twenty-third century.

'Also a big no-no is cash here,' James says. We talked about the perils of having cash in vending machines and someone loitering around waiting for someone to deposit, particularly if they are 12-year-olds. You do not want to be putting them in harm's way. I am not sure, I am weighing up the cash versus cashless here and whether even though people want that in their pocket, whether the voucher system would be a better outcome for all. You still can redeem but at another time.

James goes on to say maybe there is a way in the regulations to allow for a percentage of fully not-for-profit community groups to be part of the network collection scheme which will

help share and keep those funds local and stop overlap of commercial enterprising individuals gaining too much control or turf wars.

Thank you, James Harvey, for your continued interest, dedication and support for this really important initiative that you continue to progress around our communities, particularly in the north of the state. He has travelled to every Lions Club dinner meeting that I am aware of, to impart this important information. I am very fortunate to have someone like James leading the charge on behalf of the community, and on behalf of his service club.

We received information from Jeff Angel, by way of Webex yesterday, and he asked us not to support an inquiry. He believes the balance is right, and he talked about what he saw as the right model for our state. There is some merit in that.

Thank you to the Leader's office for sending around a very good fact sheet. It only arrived yesterday, and I have not read it in detail yet, but dot points are always useful. It may have been more useful last week, but I know everybody is busy, not only members. Everybody has a lot on their plate at this time.

Another contribution on behalf of the disability sector, talking about the implementation of a container deposit scheme:

... should maximise community participation in the scheme by encouraging a wide range of individuals and organisations to participate in the collection, return and processing of beverage containers.

It is no wonder that 98 per cent of Tasmanians support this initiative. I support this initiative 100 per cent. It is long overdue. I will listen to the debate about whether it is exactly the right scheme or whether it needs the tweaking that James Harvey and others have suggested, without having a full-blown inquiry on the model. I have suggested to the minister that, should it pass, I would like an amendment to call it the honourable Greg Hall container deposit scheme. He has been a strong advocate.

**Members** interjecting.

**Ms RATTRAY** - If he is listening, I congratulate him on his continued advocacy for this important initiative. He would tell us to get on with it

**Mr PRESIDENT** - I think he was driven by the fact that he probably has a few old sheds out the back full of cordial bottles that he has been collecting for 60 years.

**Mr Willie** - He used to say, 'paralysis by analysis' a lot.

**Ms RATTRAY** - We have been procrastinating for far too long. If this initiative can alleviate even some percentage of the rubbish we see, it must be of benefit for our community. I support the principle.

[12.20 p.m.]

**Ms FORREST** (Murchison) - Mr President, I have previously spoken in the past in support of the introduction of a container refund scheme. As the member for McIntyre said, the former member for Rowallan, Western Tiers and McIntyre was a strong advocate for this

scheme. It is a no-brainer in modern society. We should all be doing whatever we can to reduce litter and waste and encourage recycling in our communities. I do not think anyone's motivation should be questioned, by asking questions about whether this is the right model. This will be in place for a long time. In a small state, it is important to get it right.

Schemes are now in place in all other states and territories other than Victoria; however, Victorians are looking at a scheme. We know that these schemes are not all the same. This legislation has generated a high level of communication, correspondence and emails - similar to two of the other bills we have debated during this last couple of weeks. Again, many are quite polarised in their views about the model. The emails started some months ago, when it first became apparent we were finally going to progress the scheme and a body of work commenced.

Soon after that, I contacted the minister, Mr Jaensch, to say that I wanted to understand the proposal - I supported the principle, but was starting to hear conflicting views. I asked for a briefing. That was some time ago. We organised a meeting, but I failed to put it in my diary. It was entirely my fault, my responsibility; I double-booked myself to meet with Greg Farrell from Federal Group because we were dealing with the pokies bill that week. I failed to turn up to meet with the minister. I am telling you this, to explain why I am not very happy.

As I walked back from the meeting with Mr Farrell, I rang the minister. We talked for 15 to 20 minutes about the information I needed from a briefing. It was pretty clear in our discussion. I said I wanted a briefing to understand the proposed model; and that I was confused, with different points of view coming to me. I said I needed time to understand the proposals; I could see what was coming, with other legislation and commitments, including Public Accounts Committee, rural health inquiry and so on.

The minister agreed, and said he would organise it. I said we need to get on with it because I can see what the schedule looks like ahead. I did not hear back for a period, but eventually he offered me the option to talk to some of the members of the ministerial advisory group, and really get my head around it. I said that would be great. I texted him dates and times I was available in what was a pretty full diary; then, no response, nothing. A little later, getting close to this week, he rang me to ask whether I needed anything. I said, 'Yes, I need the briefing you promised me.' And he replied, 'We are going to have that next Wednesday.' It was last week we had this conversation. I said, 'Next Wednesday, the day you want us to start the debate, potentially'.

At that stage we thought we would be starting it on Wednesday because we thought we would be done with another bill. I said 'That's not entirely appropriate or effective. It was hard to get these people together. You offered it.'. He said, 'Is there anything else that you need?' I said 'What I would really like is a two-page cheat sheet comparing the models to explain why this was chosen to give me some guidance about where I need to look for the answers I need to decide on whether this is the right model for Tasmania for a long period.'.

So, when did we get that?

**Madam DEPUTY PRESIDENT** - Yesterday, I believe.

**Ms FORREST** - Yes. We got it yesterday during the briefing. Not entirely what I was after but it gave me some guidance.

I have gone out of my way to try to get an early briefing on this. Here we are, the last sitting week, a day before we start this debate, having a briefing. Again, there were some members on, one would say the opposing side perhaps, who wanted to brief us but there was not time. I believe there would have been time if we had got on with briefings and the like earlier in the piece.

It is not a criticism of the Leader here at all; it is a criticism of the minister if I am to make a criticism. He desperately wants this through this week so he can get on and get things started. If he was that desperate, he should have been a bit more desperate.

**Mr Duigan** - You did stand him up.

**Ms FORREST** - I rang him. I was prioritising that I had a meeting with someone directly involved with a bill we were dealing with that day. I rang him and I had the conversation with him that I would have had in that meeting. Yes, I did. I took full responsibility for that. I apologised when I rang him and said it is entirely my fault. I am not blaming anyone else for not putting this in my diary. Since then, I have made every effort to secure that. That is the point. You can defend him all you like; I will not.

I do not know whether or not the members of the Labor party intend to move a motion to refer this to a committee. If they are attempting to agree to that - it has been very difficult to get all that information I can then sieve through.

It is okay for the Government and the minister to tell us that we have had these people look at it and other people look at it and they have all agreed this is good, this is the way. But, our job here, in this place, is to ensure that legislation that passes through the parliament is the best it should be. Particularly when there are significant investments.

If there is one thing that I am certain about it is that there is a large degree of vested interests in this area. We have on one hand, big beverage and on the other hand, big waste. There is a lot of money in both of those. We always need to remember that there are vested interests here and then overlay that with the interests of the people of Tasmania. What is best for them?

When you go to the policy intent of this bill - as I understand it, it is in the documentation. When I failed to get the briefings, I went searching for more information myself looking at the report from Marsden Jacob Associates and also the regulatory impact statement that was done by the Department of Primary Industries, Parks, Water and Environment. I read them. I understand from those that the predominant principle or policy position is litter reduction and increasing recycling.

You could argue that both models could achieve that. So, which is the best? Because of my desire to fully understand the different models and why some of the players in the debate are not playing in the sandpits they usually do, my head is spinning a bit on this. I have been working hard to see through the noise and understand how and why the Government landed on this position. I go back to the point: is it the best model for Tasmania and will it meet the key objectives of reducing litter and increasing recycling, and whether one will do that better than the other? That was what I was trying to get from the minister. That is what I was asking for.

It has been a bit frustrating to try to understand the real differences. I have had lots of conversations with what I believe to be both sides. Sometimes it is hard to know which side people are on until you dig down and say, who are you with again? The vested interests in this are incredible. There is money to be made, make no mistake.

In my view, any scheme must be predominantly focused on what the public policy sets out to achieve. In this case, it should be all about the reduction of litter and increasing recycling and ensuring, as much as we can, in regard to the containers we use, that they can be repurposed and recycled.

To achieve these policy settings, we should carefully consider how a scheme will promote community engagement with it, which is an important part of making it work. If the community is not engaged, it will not work. I accept the figures, that 98 per cent of people support a scheme -

**Mrs Hiscutt** - I have clarification on that, too, because that was from a different model.

**Ms FORREST** - Right. A lot of people support a scheme -

**Madam DEPUTY PRESIDENT** - I did say that by the end of this it will be 100 per cent.

**Ms FORREST** - Who knows? I think 100 per cent of people in this place probably support a scheme -

**Mrs Hiscutt** - It is well over 90 per cent.

**Ms FORREST** - Okay. It is important to compare apples with apples and not compare Granny Smiths with Red Delicious. The reality is that when people respond to the surveys, they are responding to the question: should we have a container recycling scheme? The question is not: which model should we have? It is only whether we should have one. It is our job to work out which is the most appropriate, likely to be effective and meet the objectives.

After reducing littering and increasing recycling, the community engagement, it should seek to enhance employment in the state, promote innovation in recycling and repurposing materials and grow our own industry sector, so we are not relying on shipping product off the island for recycling.

As a small island, these things are important. I have not heard much in our briefings in the debate to date about how we are doing more of that in our state. Surely, the benefits that come from any recycling system that creates increased employment, more recycling - I will get to some of them, as you raised in your speech, Madam Deputy President. While we may not achieve all of these things in the first year or two - this is going to be here for a long time - they must form a key part of our decision-making with regard to the most appropriate scheme for Tasmania.

Table ES6 in the EPA's final report, A Model Framework for a Container Refund Scheme in Tasmania, informs us that the total consumption of containers in Tasmania is 301.7 million in 2017. According to the Regulatory Impact Statement for the Container Refund Scheme Bill 2021, undertaken by DPIPWE in May 2021, in the two documents I referred to it

is expected to increase to 350 million by 2042. That is figure 4 in the RIS. Therefore, it is pretty clear that consumption of containers is increasing.

This leads me to more general questions. I am happy to provide these to the Leader in a summary of questions for her to get answers to.

**Mrs Hiscutt** - Are there more than two? We will see how we go.

**Ms FORREST** - Yes, there are a few questions. I will give you the list.

What other things are we doing about reducing the amount of waste we generate? Clearly, we have identified it is going to increase. What other measures are we taking besides that? That may come into a bill we deal with later. I am asking that first and I am happy to give these questions through.

The second question - if we have or introduce other programs to reduce waste for container generation to try to reduce the overall waste created, how does all this impact on sustainability for the container refund scheme in the state?

If we have a really effective way of reducing the use as in our household where I refill a lot of containers at a local wholefood shop - laundry detergent, dishwashing detergent, all of those things. All my kids do the same. They use a various range of companies where you buy the initial container, they then send you a sachet to refill. You return the sachet and it is cleaned by the company and returned to you. There are two containers - one you hang on to and the sachet goes to and fro. If those sorts of things are taken up in a significant way you would see the overall reduction of containers, not necessarily containers that would fit into this scheme, but you have to look to the future.

These questions are not seeking to undermine the scheme, rather they are seeking to understand the full cost and the ongoing sustainability of such a scheme.

In 2017, the environmental impact assessment framework I referred to in table ES6 informs 96.7 million containers recovered or recycled using existing kerbside recycling bins in public places like pubs and clubs and other places. There are 197.4 million containers going into landfill and 7.7 million, or 2.5 per cent, go to litter - they are the ones you were talking about on the side of the road.

Based on the expected performance of the container refund scheme, as noted in the RIS, in 2045 these figures will look like 200 million containers recycled or recovered, under the container refund scheme. 145 million containers go into landfill and 4.6 million into litter. Assuming these figures reflect the reality - they are projections and the best you can do - the scheme certainly will deliver in terms of demonstrating a 40 per cent reduction in litter. That is a great achievement if that is how it proves to be and a significant increase in recovery and recycling. I believe that counts kerbside recycling as well as container deposit recycling.

What are we going to do with twice the number of containers in our recycling system when we are struggling to manage what we currently have? How do we maximise opportunities in the state for recycling of these containers that will dramatically and positively be recycled?



I hope this is where the policy objective of building and growing our own recycling businesses and industry here in Tasmania where the job creation, innovation and community engagement are the focus in concert with litter reduction. If we end up shipping them off to some other place to be dealt with, then we are losing some of that benefit.

The EPA framework tells us in the same table that the ticket price - the cost seen by the consumer - impact increases from 10 cents to 16 cents over the first 14 years of the scheme. At the start, the impact is 10 cents a container. The outlay for the community is \$30.17 million. That is 301.17 million containers at 10 cents, rising to \$56 million in 2042 - 350 million containers at 16 cents.

The theory is if you redeem your container you get your 10 cents back at the start of the scheme, but over time costs will increase and even if you do get your 10 cents back, you will lose 6 cents.

To focus on the costs from the RIS, we are informed that included in the costs are: the administration funding the scheme and network costs - these costs accrue to the beverage company and may be passed on to the customer or consumer; the regulatory costs, including compliance and auditing. I am unsure as to whether the state Government recovers costs from the scheme or if this is to be funded from government resources. This is what informs us of the cost. Cost to businesses, including compliance and participation costs and household participation costs, that includes the cost of taking containers to a drop off or redemption location. There are costs associated with that. Most people will have to get in the car, go to a deposit location, deposit them and so on. That is what good citizens will do, but there is a cost. You cannot say there is no cost.

Excluded from the cost assessment in the RIS are the startup costs. A couple of other questions for the Leader. Will the operating capital for the startup of this be provided by the state Government and if it is, will this be done by way of a loan? If so, when will the payment be required in full?

The figure provided as the present value cost over 20 years is \$121 million. The bulk of this figure relates to administration and funding of the scheme. Very little detail is provided in the documents I have referred to but I would assume this refers to the money received from the 10 cent deposits, less money that has to be refunded, less the cost of running the scheme. \$3.7 million of the \$121 million is regulatory costs.

Over 20 years this is \$185 000 per year. This does not seem like a lot of money to regulate this industry and assume those figures are sound. That is \$185 000 a year to run the whole scheme and I doubt it can actually be done with that. I would ask the Leader to clarify some of these costs. They are in the regulatory impact statement. That is the expectation.

One of the criticisms of the New South Wales scheme or schemes was that early in the scheme there were really low return rates and a claim industry were pocketing around \$400 million and, therefore, profiting from the scheme. We did hear in the briefing some other information about the New South Wales scheme, that they tried to rush the implementation and that created inefficiencies and potential costs. The RIS stated:

Under CRSs implemented in Australia the beverage industry only pays per drink container that is returned for recycling, so when the industry runs all

elements of the Scheme it is not necessarily incentivised to maximise container returns.

That was given in the briefing. They said they were incentivised. In the RIS it says:

Under a split-responsibility model, the Network Operator is paid per container collected, so is incentivised to maximise returns. Meanwhile, the Scheme Coordinator is incentivised to keep the Scheme costs low.

Again, left hand, right hand - competing views. It is worth noting as the scheme progresses the return rates increase. There are less funds available for the manager of the scheme if that is the case because it is the unredeemed money that funds the scheme. Is that a double negative going on here in that?

If 90-odd per cent of people actually do return their eligible containers, the money all goes back to the people and there is less money to run the scheme. This shortfall appears to be paid by the consumer by increasing the price on beverages above 10 cents, as was illustrated in the RIS. For example, in New South Wales the increase in the cost of a carton of beer is \$3.20, which is effectively an increase of 13.6 cents per container and this was put in an article, 'Passing on the costs' in *The Guardian*. In this article it is clear this is still a contested matter in New South Wales with big and vested interests on both sides of debate. They were both quoted in the article. The article says:

'The [container deposit scheme] is clearly a debacle and needs to be either delayed immediately or scrapped altogether,' Waters said last month.

Speaking on behalf of Liquor Stores Association of New South Wales.

But a spokesman for the state's environment minister, Gabrielle Upton, said, '27 million drink containers have been returned showing a positive level of support for the scheme. That included one million containers per day in the past week alone,' he said.

... The NSW Office of Fair Trading has previously expressed concern about price rises being imposed on consumers. The office has had reports of price rises that exceed the scheme's costs. In other cases, manufacturers were increasing costs for products not even eligible for the scheme.

'This misleading conduct could be a breach of Australian consumer law,' the fair trade commissioner, Rose Webb, said last month. 'NSW Fair Trading will take a stand against any traders who take advantage of consumers to make an unethical quick dollar.'

Upton's office said the government was keeping a keen eye on price rises. The Independent Pricing and Regulatory Tribunal [IPART] is planning to report on the matter.

'If anyone believes they are being ripped off they can report it to IPART or Fair Trading', the spokesman said.

Again, vested interests, people trying to game the system.

I believe Tasmania will be alert to such behaviour as the framework identifies a rise in prices as part of the ticketed price with an increase from 10 cents to 16 cents, over 14 years.

I would appreciate it if the Leader could respond to these questions and confirm the date detail will be provided on the cost to the Tasmanian community of the scheme. In particular, the expected increase in beverage prices over time, as the return rate increases and less funds are available for managing the scheme, as I alluded to. Can more detail be provided on the breakdown of the scheme, in particular the administration and funding of the scheme, and whether this includes the cost of setting up the deposit points. I am interested to better understand how the scheme will be designed to incentivise a high return rate early in the implementation period. Will the Government support an amnesty period of, say six months, to promote the return of ineligible containers that are currently littered, and if so how will this be funded?

**Mrs Hiscutt** - Are you going to provide those to me?

**Ms FORREST** - Yes, I will.

A lot of people out there, in general public land, believe that once this starts, all bottles they might have in their shed, or every other container, is eligible. It simply will not be. They will go and pop it in and there will be no return. This has been suggested to me by people who are the deep thinkers in this area, that that would be a really good thing to do. If you are very serious about litter reduction and increasing recycling, that you would provide maybe a six-month amnesty.

The question is, if you do that, that would be fabulous, but we need to understand how it is going to be funded. Maybe the beverage industry might help fund that. I do not know. Or the Government might. Maybe you can do it together. I would like some feedback on that.

I would like the Leader to indicate who decides the number of deposit sites and where they will be constructed or placed. What is the state Government doing to incentivise the early involvement of grassroots organisations as part of the rollout of the scheme? What public education programs are set to be rolled out involving all matters related, including the fact that you have a lot of ineligible containers? You might have - including wine bottles which have been mentioned.

Glass is the biggest issue in our recycling system currently, and that of other states too, and that is one of the reasons why wine bottles are being left out of it. Broken glass contaminates other products in our recycling system, including getting embedded in cardboard in kerbside recycling, and devalues what are some of the most valuable and easiest to recycle products. Victoria has introduced a fourth kerbside bin to manage the glass issue.

I know with parliament now, our offices have a separate bin for putting glass in, but then if all gets lumped into the same recycling bin after that, and some of it breaks, then you have completely destroyed the value.

I acknowledge they do not have the container refund scheme yet but are looking to implement one in a couple of years.

I am not sure what South Australia is planning to do with the implementation of their container refund scheme. The amount of glass in kerbside will reduce significantly. I understand from the briefing that South Australia is looking at including wine bottles. That would actually assist, I am sure. Mind you, I do not think wine bottles are as likely to break when they hit the bottom of the bin as some other things are. Broken glass in the system is one of the biggest contaminants.

I understand the operators of the materials recycling facility, which separates all the kerbside recycling, say the easiest way to solve the glass problem is to remove glass from kerbside recycling. This would be fine if you could recycle all the glass through another process or a separate bin. As mentioned, wine bottles are excluded from the Tasmanian container refund scheme currently, or in the proposal. I understand this is mainly because it is rarely found in litter. People do not tend to throw the wine bottle out the window of the car. It is more likely beer bottles and cans and other plastic drink containers. That is the reason. It is predominantly recycled through the kerbside recycling.

There is a great opportunity, as part of the implementation scheme, to think about how we can maximise its efficiency, in particular downstream processing, and create other re-use options for the products we collect. I note the review clause in the bill requires a review within five years. These matters I have raised could and should be considered then, if not progressed in the initial rollout, including questions as to whether the implementations can provide an opportunity to remove glass from the kerbside recycling in order to maximise the quality of other recyclables, such as cardboard. This will be on my list of questions.

With most of the glass being removed from the container refund scheme, I would suggest this is an opportunity that should be considered rather than another kerbside bin. Compliance is an issue with kerbside recycling. My understanding is that this will provide significant benefit to the operation and materials recycling facility and reduce the contamination of cardboard and other recyclables. The community would then have clear alternatives as part of the container refund scheme, to recycle or this inert product could go to landfill.

The Leader stated that the scheme will promote better environmental outcomes, create employment and provide opportunities for local businesses whilst also enabling charities and community organisations to raise money to fund their valuable work. Thus we have before us a bill to give effect to a governance model for the scheme, a split responsibility model, building the beverage, waste management and community sectors, bringing them together to deliver the best scheme for Tasmania. That is according to the Leader.

I guess no system is perfect, but the views on the best model have been poles apart at times and very difficult to fully appreciate the likely outcome of either with all the noise and self-interest thrown in. The members of the minister's advisory committee themselves said what a complex issue this is. Other people I have talked to who have been looking at this for years say how complex it is and how difficult it is to hear through the noise.

The split responsibility model involves a scheme coordinator who will run the administration and finances the scheme, while a network operator runs the network of refund points and is paid per container returned. In this model each sector plays to its strengths. The scheme coordinator is incentivised to keep the costs low and the network operator is incentivised to ensure as many containers as possible are returned through the scheme, as noted in the readings I quoted earlier.

I am pleased to note that there will be a network of refund points reaching to all parts of Tasmania, including King Island and Flinders Island. Often the islands are not fully considered. Then you still have the issue of getting them off the island. Either way they have to come off, as litter or waste if they do not go off as recycled products or products for recycling.

I note the Leader's comments that people will get an immediate refund for their empty eligible containers at the refund points, whether it is from a reverse vending machine over the counter in your local shop or at a depot. I know there are some other jurisdictions - I mentioned this in the briefing - where you can get a credit to be used, say, in the local supermarket if the collection point is in the local supermarket. Pop your bottle in on the way in, get a credit at the supermarket on your bill when you leave, assuming you bought something, or credits for your train ticket at the train station. If we had trains here, we could do that. But not much use here, currently.

Is this form of reward being considered, as it maximises the return? I think it avoids the need for handling of cash, which may be the preference of some. If you could use that money to go and buy the food that you need if you are a vulnerable person, it still provides that. So, I think we need to keep our minds open.

People are going to the supermarket. Even women who are victims of family violence are usually allowed out to the supermarket. So, that gives them the opportunity to have some money returned to them if they are being financially abused.

I know that all charities and community groups will be able to run donation points where they can receive donations of containers from the community and collect 10 cents per container for their organisation. All charities and community groups will be able to register for a refund account. So, members of the public can donate their container refunds directly to the charity or community group of their choice. I think that would be a popular option. It would be a boost to those community organisations. I am happy to pay an extra 10 cents on a drink container if it was going to a local service organisation in my community.

I note that there will be no fee for container approvals and a grants program to provide for small beverage producers to reduce the administrative and transitional costs of entering the scheme, such as adopting barcodes for the products for the first time. I think that is a necessary and important inclusion. In addition, all beverage companies will be exempt from paying into the scheme for the first 20 000 containers sold each year.

Those are the thoughts that I have put together with a few additions prior to the briefing. Up until that point I had struggled to be assured that this is the most appropriate model. And I still do, to a point. I will listen to the rest of the debate. I can see swings and roundabouts in all of this. I can hear vested interest everywhere. It makes it very hard to see through, bearing in mind that there is a strong desire to see this sort of scheme implemented. I think the desire to have it implemented correctly and the most effective, efficient and appropriate way for Tasmania is more important than getting it put in place quickly, even though it has been going on for years.

Do you want me to adjourn the debate before we finish, Leader? Or do you want me to sit down?

**Mrs Hiscutt** - I am not sure because we haven't defined where we are going yet with the amendment bill. We can decide after lunch.

**Ms FORREST** - I am conscious of the time, that is all.

One point I wanted to make is that the ministerial advisory group told us that the Tasmanian design features have considered our dispersed population and hence the attention to King Island and Flinders Island, on a relatively small scale. On the basis of that, it's all the more reason to get it right.

Capacity for downstream processing. We have not heard much about that. One of my questions relates to where is the evidence for that and how will it work. Local business and charity groups benefit. I think that could be apparent in either scheme, quite frankly, through the model.

Without question, I support the principle of the bill. I think it is important to have answers to the questions I have put to the Leader. In broad terms, this is an important thing for the state, if we can reduce litter and we can increase recycling and also in the downstream processing in Tasmania in innovative and different ways. There is huge opportunity. I know we are a small state, but if we work not just in Tasmania but with mainland Australia. I do not want it going over to the big island to the north.

**Mr Duigan** - There was talk of plastics recycling underway in Tasmania as we speak.

**Ms FORREST** - Not necessarily for some of the plastics we are talking about here. That is all good. We are also talking about crumbled rubber for roads.

**Ms Rattray** - Glass goes in roads.

**Ms FORREST** - The reality is that most of our recycled glass goes in landfill. It is inert but it ends up in landfill. I am sure we can do better than that. I am sure there are many other uses for it. Through this system, whatever system it is, I think that can be achieved. We have to get people to understand the principles of reducing litter and recycling. We have to make this as easy as we possibly can for people. Inherently, some people do not want to go out of their way to do it.

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

## QUESTIONS

### Literacy Coaches

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

[2.31 p.m.]

With regard to the 2021-22 Budget, it indicated that funding would be provided across four years to increase the number of additional in-school quality literacy coaches to 40 commencing in 2022.

- (1) How are these coaches allocated across the high schools and colleges?
- (2) Are they to be full-time positions?
- (3) If not, what is their full-time equivalent (FTE)?
- (4) Under the initiative of Highly Accomplished and Lead Teacher Certification, will this result in higher remuneration and enhanced career prospects?

I added this one to save adding another question.

## **ANSWER**

Mr President, I thank the member for her question.

- (1) In 2020 the Tasmanian Government committed \$10.4 million to enable all schools to have access to a quality teaching coach to support quality teaching and learning in every school.

The Government's 2021 election commitment to improving literacy levels for all Tasmanians allocates further funding to increase the number of coaches and 2022 will see an increase in the allocation from 85.4 FTE to 125.4 FTE.

Each school's allocation is based on a number of criteria, including school size, literacy/numeracy needs index (LNNI), Index of Community Socio-Educational Advantage (ICSEA).

- (2&3) Coaching allocations within schools and colleges range from 0.2 FTE to 1 FTE, according to the context of schools based on a formula to ensure equity.

Allocation of quality teaching coaches is based on a formula developed and agreed to by the department's principal advisory group.

- (4) In 2021, Tasmania joined with other states and territories in the national certification of Highly Accomplished and Lead Teachers (HALT) to recognise and value their teacher expertise.

Certified HALTs in Tasmania would be highly desirable candidates for school leadership positions as they are recognised for their demonstrated expertise in teaching and supporting and leading the practice of others.

## **Tasmanian Collections for Charities Act 2001**

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

[2.34 p.m.]

The Collections for Charities Act 2001 is an act to regulate the collection of donations for charities and other purposes. My five questions are:

- (1) Can the Government please advise which government agency/department is the administering authority for the Tasmanian Collections for Charities Act 2001?
- (2) Which government agency/department is responsible for investigating breaches of the Collections for Charities Act 2001?
- (3) Which government agency/department is responsible for bringing charges against an organisation and/or prosecuting an organisation for breaches of this act?
- (4) Have any proceedings been brought against any organisation covered by the act since enactment? If so, which agency/department instigated the proceedings?
- (5) What is the statute of limitations for commencing proceedings against an organisation for breaches of the Collection for Charities Act 2001?

### **ANSWER**

Mr President, I thank the member for her question. Noting the question was asked yesterday afternoon, we do have an initial response for you. The Collection for Charities Act 2001 is administered by the Department of Justice as per the Administrative Arrangements Order (No. 2) 2021. These functions are administered through Consumer, Building and Occupational Services within the Department of Justice. Since 2017, one organisation has had its status revoked. The statute of limitations for the commencement of proceedings is six months from the time the matter of the complaint arose, as per the Justices Act 1959.

### **COVID-19 - Grants to Small Business**

#### **Ms RATTRAY question to MINISTER for SMALL BUSINESS, Ms HOWLETT**

[2.36 p.m.]

I asked this question earlier in the week in regard to the situation of recent businesses. The minister might have some additional information. I am aware of a situation, as I suggested earlier in the week, where a business was provided with a business grant and was very grateful for that, but the business did not survive. What happens to the grant? Is there a request for the return of monies and what is the process, should that happen in future? It is a real issue for small business. As much as we sometimes try to want something to succeed, it does not always happen.

### **ANSWER**

Mr President, I thank the member for her question. Grants to small businesses are provided in accordance with grant program guidelines. Many of the grant programs provide necessary, short-term financial relief and are not designed to guarantee long-term business survival. For example, hardship grants were provided to businesses to alleviate the financial impacts of the recent southern Tasmanian snap lockdown. In cases other than hardship, grant recipients are required to acquit how the funding has been spent. When an applicant cannot satisfactorily account for how that funding has been spent, the Department of State Growth may request the funding to be returned.



The department would not normally request grant funding be returned in case of business failure, especially when the prospects of recovering those funds is highly uncertain. Of course, if we become aware of a fraudulent activity, we do seek reimbursement of funds paid via a debt collection agency. The department assesses each case it becomes aware of on its merits and determines the most appropriate course of action. Tasmanian small businesses have shown how resilient they are, maintaining the highest long-term survival rate in the country and the Tasmanian Government continues to support them as they navigate the ongoing uncertainty of the COVID-19 operating environment.

### **COVID-19 - Grants to Small Business**

#### **Ms RATTRAY question to MINISTER for SMALL BUSINESS, Ms HOWLETT**

[2.39 p.m.]

I appreciate the response provided. That is an entirely appropriate course of action, to not necessarily seek a return of any funds provided in support because those people are already quite distressed. To receive a demand from government when they did their best to try to keep their business afloat, I commend the minister and her department for making that judgment. That is important for small business, but we do not want people knowing they are not going to survive putting their hand out. Will that be the case though as we navigate what might be a difficult situation post-15 December?

#### **ANSWER**

Mr President, I thank the member for her question. These grants are in relation to hardship grants and after 15 December we will always continue to support small businesses as we have done throughout the pandemic and help them navigate their way. As far as hardship grants are concerned, they will remain. Their names will not be released and we hope we are not in the situation where we do have hardship grants again and we can assist businesses after the 15<sup>th</sup> to navigate our way out of the pandemic.

**Ms Rattray** - There is no end date for the hardship grants at this point in time?

**Ms HOWLETT** - The hardship grants have closed. That is right; yes. The supercharged business one closes today, yes. There is an end, but we will continue to support small businesses, as we have done.

### **COVID-19 - Information for Small Businesses about Borders Reopening**

#### **Ms LOVELL question to MINISTER for SMALL BUSINESS, Ms HOWLETT**

(2.42 p.m.)

General practitioners who operate small businesses around the state are still yet to receive any guidelines around what their business will be required to do if and when a positive COVID-19 case presents at their practice. Do they close? Will they be required to close for two days or two weeks? What clarity can you provide so they can continue to operate with confidence?

## **ANSWER**

Mr President, I thank the member for her question. We know it is not just GPs waiting on this answer, it is a lot of small businesses around Tasmania. As the Premier clearly stated last week, we will be providing information to those businesses. The Department of State Growth is working closely with WorkSafe Tasmania and Public Health to ensure businesses are well prepared ahead of reopening. The answer to those questions will be provided by the Premier at a press conference tomorrow.

Last year, we provided the highest level of support for businesses per capita out of any jurisdiction in the country and we have continued to provide high levels of support as we navigate our way out of the pandemic. The Government will continue to monitor the needs of small businesses and consider how best to provide support as we progress through the border reopening phase.

### **COVID-19 - Information for Small Businesses about Borders Reopening**

#### **Ms LOVELL question to MINISTER for SMALL BUSINESS, Ms HOWLETT**

[2.43 p.m.]

A follow-up question. I appreciate the minister has said the Premier will be conducting a press conference tomorrow. Can the minister confirm that businesses will be provided with detailed guidance and guidelines around what they are required to do in the instance or occasion a COVID-19 case is present and identified at their business. Do they have access to all of the information they need to be able to operate with confidence past 15 December?

## **ANSWER**

Mr President, I thank the member for her question. As I said, the Department of State Growth is working closely with WorkSafe Tasmania and with Public Health to provide that information to businesses so they are well prepared for opening on 15 December. The Premier will present that information tomorrow at his press conference.

### **Department of Health - FTE Staffing Numbers 2020-21**

#### **Ms LOVELL question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER**

In Parliament on 10 November 2021, the Minister for Health advised that 840 new FTE staff have been employed in the health system since July last year.

- (1) Can the Deputy Leader please provide a breakdown of these 840 FTE by head count, workplace and role?
- (2) Can the Deputy Leader confirm the 840 FTE is a net increase, or if it is not, can the Deputy Leader please provide the number of staff who have left their employment in the same time frame and the net increase in staffing numbers?

## ANSWER

Mr President, I thank the member for her question.

(1) I am advised that since July 2020 to year to date, September 2021, there has been an increase in FTEs of 872.27 across the whole of the Department of Health. I have a table which has further information:

- Allied health professionals: from 2019 to 2020: 1088.51; year to date: 1124.96; the FTE increase is 36.45.
- Ambulance: year 2019 to 2020, 487.37; year to date 545.49; the FTE increase is 58.12.
- Health and Human Services Award, bands one to nine: year 2019 to 2020: 2210.81; year to date 2485.36; the FTE increase is 274.55.
- Health and Human Services Award, year 2019-20: 1586.38; year to date: 1715.01; FTE increase: 128.63.
- Nurses: 2019-20: 4229.08; year to date: 4524.95; FTE increase: 295.87.
- Salaried medical practitioners: 2019-20: 1056.87, year to date 1130.02. FTE increase 73.15.
- Senior executive service: 2019-20: 21; year to date: 26.5; FTE increase: 5.5.

I have another table here, table 2, which shows additional FTE in our four major hospitals. It is a little more complicated. Would the member be happy for me to table that document?

Mr President, I seek leave to table the document and have it incorporated into *Hansard*.

**Leave granted.**

**Table 2: FTE by Hospital and Award**

Hospital	Award Category Description	2019-20	YTD September	FTE Increase
<b>North West Regional Hospital</b>	Allied Health Professional	56.63	61.81	5.18
	Health & Human Services Award Band I –	137.51	146.91	9.4
	Health & Human Services Award HSO I –	94.15	107.39	13.24
	Nurses & Midwives	311.33	320.53	9.2

	Salaried Medical Practitioners	98.27	101.34	3.07
<b>Launceston General Hospital</b>	Allied Health Professional	215.08	235.10	20.02
	Health & Human Services Award Band I –	355.94	374.81	18.87
	Health & Human Services Award HSO I –	340.53	357.41	16.88
	Nurses & Midwives	1 039.98	1098.94	58.96
	Salaried Medical Practitioners	289.21	299.03	9.82
<b>Royal Hobart Hospital</b>	Allied Health Professional	441.39	447.55	6.16
	Health & Human Services Award Band I –	594.54	610.11	15.57
	Health & Human Services Award HSO I –	557.24	633.69	76.45
	Nurses	1 509.81	1611.43	101.62
	Salaried Medical Practitioners	523.05	569.80	46.75
<b>Mersey Community Hospital</b>	Allied Health Professional	26.78	28.03	1.25
	Health & Human Services Award Band I –	68.69	82.41	13.72
	Health & Human Services Award HSO I –	71.24	73.42	2.18
	Nurses	197.18	209.92	12.74
	Salaried Medical Practitioners	37.98	41.23	3.25

Following on from question 1, it should be noted a significant number of health staff have been employed outside of hospital environments to support our COVID-19 response, for example into the Tasmanian vaccination emergency operations centre.

In response to question 2, the increase in FTE is confirmed as being a net increase.

## **TasTAFE (SKILLS AND TRAINING BUSINESS) BILL 2021 (No. 56)**

### **In Committee**

**Resumed from page 18.**

#### **New Clause A**

To follow clause 46

**Mr WILLIE** - I appreciate the members' patience with this. We had some debate about the member for Mersey's amendments. This follows on from that debate, in terms of an independent review. I have had a conversation with the Government after my original drafting,

and I accept there was some discussion in our debate that the six-month review is quite early on and commissioning an independent review at that time - do you want me to read it first?

**Madam CHAIR** - You only have three calls. I ask the member to read the first four amendments in and then we will do the others after that. You will need to move it first.

**Mr WILLIE** - The amendment to the Legislative Council amendment moved by Mr Gaffney, amendments Mr Willie, amendment of new Clause A. I move the following amendments:

**First Amendment.**

Page 3 of the amendments, before clause subclause (1).

*Insert* the following subclause:

A. In this section -

"**independent review**" means a review carried out by two or more persons who -

- (a) in the Minister's opinion, hold the appropriate qualifications and skills to perform a review; and
- (b) include one or more persons who are not -
  - (i) State Service officers or State Service employees; or
  - (ii) TasTAFE directors or TasTAFE employees.

**Second amendment.**

Same page of the amendment, subclause (2).

*Leave out* "anniversary".

*Insert* instead "anniversary, and after the 6 year anniversary,".

**Third amendment.**

Same page of the amendments, same subclause.

*Leave out* "cause a review".

*Insert* instead "commission an independent review".

**Fourth amendment.**

Page 4 of the amendments, subclause (3).

*Leave out "this section".*

*Insert instead "subsection (1)".*

This follows on from our previous debate. We had a discussion with Government representatives. There was some concern about an independent review at six months. I accept that and I have taken the 'independent' out of the six month review. It is important that once this reform is established, there is an independent review at 30 months, and also at that six-year period which is after the five year grandfathering of the work place protections.

I have had a conversation with the workplace representatives and they are comfortable with the six-year review. This strengthens the bill.

**Mrs HISCUTT** - The Government does not oppose this amendment, noting it simply adds further detail to the member for Mersey's original proposal. The Government would not oppose a review at the six year point following commencement.

**Mr GAFFNEY** - I rise to support the member for Elwick. Interestingly enough, I think it makes common sense to have six years as well. I do not want to talk about the person.

I looked closely at naming the review people when I first looked at it, and then thought that the time line was just too short. We did not want to put that imposition on the group. I agree with you. I congratulate you on your amendments.

**Amendments as read stand part of new clause A agreed to.**

**Mr WILLIE** - To continue. I move the following further amendments:

**Fifth amendment.**

Same page of the amendments, after subclause (3).

*Insert the following subclause:*

- (X) As soon as practicable after the completion of an independent review under subsection (2), a written report on the review is to be provided to the Minister.

**Sixth amendment.**

Same page of the amendments, subclause (4) after "subsection (3)".

*Insert "or provided to the Minister under subsection (X)".*

**Mrs HISCUTT** - The Government has nothing more to add. I think it has been said. We do not oppose this amendment.

**Ms RATTRAY** - Question, does it still mean that the review will be available to members of parliament? It does not say it there; it is a given. The other amendment was put forward by the member which said, I think, '10 days after being tabled'.

**Mr WILLIE** - Yes, this is an amendment to the amendment. They have to be read in conjunction with the member for Mersey's amendment.

There are some additional clauses because there needs to be a distinction between the independent review and the six-month review. That is why it looks a little bit different for the first draft.

### **Amendments as read stand part of new Clause A**

#### **New Clause A as amended agreed to.**

### **Schedule 1 - Tas TAFE Board**

**Mr GAFFNEY** - Madam Chair, I move the following amendment -

Schedule 1, page 56, Part 2, clause 2, subclause (2).

*Leave out* "director, other than the TasTAFE CEO,".

*Insert instead* "director".

This is another element of housekeeping relating to the earlier amendments to clause 6(4). So, it is updating the schedule to reflect that we have already accepted it.

**Mr VALENTINE** - This is Schedule 1, page 57. I am interested to hear:

#### **4. Application of *State Service Act 2000***

- (1) The *State Service Act 2000* does not apply in relation to a TasTAFE director in his or her capacity as a TasTAFE director.
- (2) Nothing in subclause (1) prevents a person from holding the office of TasTAFE director in conjunction with State Service employment.

Is this to protect the member from having a conflict of any sort?

**Mrs HISCUTT** - It means that if a State Service employee is appointed to director, it makes it clear they are not subject, as director, to the State Service Act.

**Mr VALENTINE** - If they are not subject to the State Service Act, does that mean it takes them from underneath the State Service Act and, therefore, from underneath the code of conduct the State Service Act applies to any State Service employee? That means they are not subject to that code of conduct.

**Mrs HISCUTT** - They would be subject to the director's requirement under the bill we have before us. For the purposes of their role as a director, they are subject to the arrangements of this act, which includes expectations and offences for directors. You are right in what you are saying, they would be subject to this act in front of you.

**Mr WILLIE** - Mine is to do with number 5, Remuneration and conditions of appointment. We are going to see a different arrangement under this act. I think the current director's fees are at about \$200 000. Is there a commitment from the Government we are not going to see a huge increase in director fees?

**Mrs HISCUTT** - TasTAFE is currently a non-trading entity classified under the Department of Premier and Cabinet board remuneration policies as a category D1, the governing critical category. The remuneration scale is set out in that policy. The functions and powers of TasTAFE are consistent with the functions and powers TasTAFE currently has under the Training and Workforce Development Act 2013. Given this, we would expect TasTAFE to retain its classification, noting that this is a matter for DPAC to consider at the appropriate time.

**Mr WILLIE** - It is obviously up to DPAC. If that does not occur and some other arrangement has to take place, is there a commitment from DPAC already? The question is: are we going to see an increase in remuneration of directors?

**Mrs HISCUTT** - The only way remuneration is set is through DPAC. That is consistent with the board remuneration policy and consistent with all boards.

**Mr VALENTINE** - I need some guidance because there are lots of subsections in this, 6, 7, 8, 9, 10, et cetera. I have quite a few questions. Is there any chance of taking them as separate sections? Otherwise, I will have to ask all these questions in the one go and I will not have an opportunity to ask for clarification.

**Madam CHAIR** - We did not do that at the start because no-one indicated they had a number of questions on this. We normally call a schedule as a whole. If you could put your questions, we have advisers at the Table to write them down.

**Mrs Hiscutt** - How many questions might the member have?

**Mr VALENTINE** - I have a few turn-downs, a good half a dozen or more.

**Madam CHAIR** - We will keep going and see how we go.

**Mr VALENTINE** - Clause 5, subclause (3), which is on page 58. This is under Remuneration and conditions of appointment. The subclause states:

- (3) A TasTAFE director holds office on such conditions, that are not provided for by this Act, as are specified in the TasTAFE director's instrument of appointment.

Why is this written that way? Why would it not be provided for in this act? It might be de rigueur the way these things are dealt with. It seems a bit strange to me you have a director holding office on such conditions that are not provided for by this act.

Vacation of office. I understand this so I will not ask that question.

Page 60, clause 9, Presumptions. Who or what is this protecting?



In any proceeding by or against the TasTAFE Board, unless evidence is given to the contrary, proof is not required of -

- (a) the constitution of the TasTAFE Board; or
- (b) the appointment of any TasTAFE director.

Why is this not so transparent? What is that protecting and why are we putting it there? Why are we making that presumption?

Page 62, clause 13(4), Quorum and voting at meetings:

- (4) At a meeting of the TasTAFE Board where a TasTAFE director is excluded from being present and taking part in the consideration and the decision of the TasTAFE Board in relation to a matter, a quorum for the purposes of considering and making a decision in relation to that matter is constituted by the number of TasTAFE directors specified as constituting a quorum in subclause (1) ...

Which is a majority of those present.

... less the number of TasTAFE directors so excluded.

That means, if you had all seven present a quorum would be four. If you have five present and two are excluded for some reason, you have a quorum of two out of a number that would have been present, had they not been excluded, of five. It seems to be a very low number and I ask for some clarity. I might be misreading, but do not think I am.

It is assuming it is only one who is going to be excluded. It may well be two who are excluded and any number. I do not think I am misreading it.

**Mrs Hiscutt** - Thank you, member for Hobart. The next question, please.

**Mr VALENTINE** - Page 63, clause 15, subclause (2):

- (2) If a resolution is taken to have been passed under subclause (1), each TasTAFE director is to be -
  - (a) advised immediately of the matter ...

It might be difficult. Should that be in writing or by email also? It is a resolution; you have to have a record of it and you would think it would have to be in writing or by email. It concerns me. Maybe that is taken as read.

**Madam CHAIR** - Turn to the next page. Keep reading.

**Mrs Hiscutt** - You are satisfied -

**Mr VALENTINE** - That is about signing a document. That is not necessarily provided with a copy of the terms of the resolution. Is that what you -

**Mrs Hiscutt** - Subclause (b) says you have to be provided with a copy.

**Mr VALENTINE** - Maybe that is what the Chair is suggesting. I do not know. Okay, clause 16 -

**Mrs Hiscutt** - Did you want that one question answered, because the answer is there? Are you happy with the answer there?

**Mr VALENTINE** - It depends on what (b) means. Are you talking about advising immediately of the matter in writing or by email and then provided with a copy of the terms of the resolution?

**Mrs Hiscutt** - You want to know what 'provided' means, whether it is email, post or whatever?

**Mr VALENTINE** - Yes, for clarity, but I can see if they are getting a copy of whatever the resolution is then that is indicating they have agreed with the resolution perhaps, but you do not have their resolution in writing.

**Mrs Hiscutt** - If it is in email you are saying it is not writing?

**Mr VALENTINE** - No.

**Mrs Hiscutt** - No? I do not understand, I am sorry.

**Mr VALENTINE** - It says:

If a resolution is taken to have been passed under subclause (1), each TasTAFE director is to be -

- (a) advised immediately of the matter; and
- (b) provided with a copy of the terms of the resolution.

That is all right to have the copy of the terms of the resolution, but where is the indication the person has actually voted on it that way? You have nothing in writing. If they are not in the meeting, you have no-one observing whether they have said yes or no. But, anyway, that is just for the record later, if you trace it. You might be able to clear that.

16. Minutes:

The TasTAFE Board is to keep accurate minutes of its meetings.

Would we expect them to keep anything else?

**Mrs Hiscutt** - Would you like to take it out?

**Mr VALENTINE** - Is there such a thing as inaccurate minutes? I would have thought that was a superfluous word but, anyway.

**Mrs Hiscutt** - Do I take that one as a comment, member for Hobart?

**Mr VALENTINE** - Yes, I think that is a comment.

**Mrs Hiscutt** - Next question, please.

**Mr VALENTINE** - Yes. This is about disclosure of interest, number 17, page 64:

- (1) If a TasTAFE director has a direct or indirect pecuniary interest in a matter being considered ...

Is it only pecuniary interests we are interested in? I do not think it is. You could have a mate who is a close associate. There is nothing pecuniary about that. The problem is this only deals with pecuniary interest and in this particular game it may well be being in the trades or whatever that might be - you can have lots of mates, lots of people they know - and you want to make sure when they are dealing with a matter they are not simply advantaging a mate.

**Mrs Hiscutt** - The fact that 'direct' or 'indirect' is there, it does not -

**Mr VALENTINE** - No, it is the pecuniary I am interested in. Why is it only pecuniary interest, because it is not actually going to earn you money if you put your mate up for a job. Why does it stop at pecuniary interest and not interest?

**Mr Duigan** - Conflict of interest.

**Mr VALENTINE** - Conflict. There will not be a conflict if this does not deal with something other than pecuniary.

**Mrs Hiscutt** - Next question, thank you, member for Hobart. Do you have another one?

**Mr VALENTINE** - Yes. With regard to the penalty on that same clause:

Fine not exceeding 100 penalty units

Who is applying that fine? I want to clarify, is that a police matter? The director or chair that applies the fine? The chair or whatever? I want to clarify that. Remuneration and conditions of appointment is clause 5 on page 68. Sorry, that is going into schedule 2. I will stop there.

**Mrs HISCUTT** - The answers are:

- (1) Clause 5(3) Why not provided for by this act? That simply means the terms are either in the act, it is an instrument or both.
- (2) Clause 9, Presumptions. The onus is to prove error with the constitution or the appointment. It assumes that they are lawful.
- (3) Clause 13(4). Quorum calls, yes, it can be but very rare. Two can be but very rare,

- (4) Resolutions without meeting, a copy. Directors have to sign a document that they are in favour of resolution. Resolution needs a clear majority.
- (5) Clause 15(2)(b), regardless of whether they have been voted for or against, they will have a copy provided. Not signing will be recorded on the copy.
- (6) Clause 17, Disclosure of interests, the copies are clauses from the GBE act. It is important to note it relates to offences to fail to disclose. That is where the pecuniary interest is. It is not the same as a conflict of interest. A board will be expected to have a separate conflict of interest code of policy as TasTAFE does now.

Your last question was about offences for directors. They are a police matter.

**Schedule 1 agreed to.**

**Schedule 2 - Membership and meetings of committee**

**Mr VALENTINE** - Clause 5, page 68: 'A member is entitled to be paid such remuneration and allowances as the Minister determines'. I find it interesting that it is not being tied to a particular standard; it is just as the minister determines.

Let us face it, that is how a lot of our directors get their salaries, they go sky-high because the minister determines they should be paid more. Surely, there must be a standard that the minister is held to when determining remuneration and allowances. Is there not a schedule of some sort that indicates what directors would normally be paid under a certain type of award or type of business that it is? I find that interesting.

**Mrs Hiscutt** - Hold that for a moment please.

**Mr VALENTINE** - Schedule 2, Clause 12 - Presumptions, page 71 states:

In any proceeding by or against a committee, unless evidence is given to the contrary, proof is not required of -

- (a) any resolution of the committee; or
- (b) the presence of a quorum at any meeting of the committee.

Why is proof not required of any resolution of the committee or the presence of a quorum at any meeting of the committee? I find it odd that would be considered reasonable. Is it the case that minutes of the TasTAFE board are not discoverable?

**Mrs HISCUTT** - Remuneration and conditions - this relates to membership of the board committees. DPAC sizing guides are used to guide payments. It would be possible for an external person to be appointed to a committee.

Regarding clause 12, this is a standard clause in the principal act. This allows a court to assume a fact is true unless proven otherwise.

**Mr VALENTINE** - With respect, how can you prove otherwise if you don't have the documents in front of you. Am I missing something?

In any proceeding by or against a committee, unless evidence is given to the contrary, proof is not required of -

- (a) any resolution of the committee; or
- (b) the presence of a quorum at any meeting of the committee.

That could that leave directors open, if they are defending themselves and it was assumed that they had done a certain thing and they knew they had not. It is an odd presumption. It does not give a lot of protection for people who might be at a meeting and made a certain decision; they want their decision on the record; and then someone makes a statement that no proof is required.

**Mrs HISCUTT** - It does not mean that you do not have to have records of committees or resolutions. It relates to the court proceedings. This is the same clause as in the current act. It is already in the principal act, and it is the standard provision. It is already there.

**Mr VALENTINE** - Thank you.

**Schedule 2 agreed to.**

### **Schedule 3 - Savings and transitional provisions**

**Mr WILLIE** - Schedule 3, clause 6, page 75 - Former TasTAFE employees taken to be appointed as TasTAFE employees.

If a fixed term employee ceases to be employed, but is re-employed on a new contract after 30 June 2022, are they employed on the old conditions or the new conditions?

**Mrs HISCUTT** - It depends. If the position is in the copied award, they will be covered by the copied instrument. It would be open for them to negotiate a contract of employment under Fair Work, if they choose.

If they are a permanent employee on 30 June, they will remain so after the transition.

**Mr WILLIE** - My question was about a fixed-term employee that finishes before 30 June, then they are re-employed after 30 June, maybe on another fixed-term contract. Are they eligible to be on the agreement that is copied over, or are they now negotiating on Fair Work?

**Mrs HISCUTT** - I will say it again, it depends. If the position is in a copied award, they will be covered by the copied instrument.

**Mr WILLIE** - It is not really answering my question, Leader. My question is a fixed-term employee whose employment ceases with TasTAFE before 30 June, right? Then they are employed after 30 June. So are they on the copied award, or are they negotiating on

the Fair Work Act? If so, how many fixed-term employees are there who might be in that situation?

**Mrs HISCUTT** - My advisers feel that the advice is correct. But to add to that, if the position is one that fits the classification of the copied state award, they can be covered by the award. If they choose, they can also be engaged under a Fair Work individual contract.

**Mr Willie** - So they can be re-employed under the copied award even though their employment has ceased? Is that what you are saying?

**Mrs HISCUTT** - The information that we have delivered is true and correct, yes. If the position is one that fits the classification of the copied award, then they will be covered.

**Ms RATTRAY** - I hope I am not straying into the same area, I think this is a different area. I received some information overnight in regard to the BOOT test - better off overall test. I will read what was provided, then the Leader may provide some information. I expect she will. It says:

**Madam CHAIR** - Which clause are you referring to?

**Ms RATTRAY** - Clause 6, former TAFE employees, same one.

The focus of the BOOT test seems to be around what happens in 2022. Obviously, there is some legal advice which disagrees with that due to 768AM(2)(b) in the Fair Work Act that says:

**Mrs Hiscutt** - Can you say it again, 768 -

**Ms RATTRAY** - AM(2)(b) in the Fair Work Act, that says the agreement must be in operation.

The concern is that in 2025 or 2026, when the agreement would end, it has been suggested that they have been told that the wages and allowances would stay the same. We talked about it being copied over. But it is about the working conditions. I am interested to know that the working conditions remain the same as well. A guarantee is required for those employees about the conditions that go with their employment. I think we will leave it at that for now. Understood?

**Mrs Hiscutt** - I remember reading this answer out during my summing up. The agreement expiry is nominal only. That means terms and conditions continue until the new agreement is negotiated and agreed.

**Ms RATTRAY** - So, there is no issue about the conditions and the wages and entitlements -

**Mrs Hiscutt** - Terms and conditions.

**Ms RATTRAY** - Terms and conditions?

**Mrs Hiscutt** - This was explained and put on *Hansard* during the summing up.

**Ms RATTRAY** - There is this contrary view and the member for Rumney may well -

**Mrs Hiscutt** - Yes, that view was mentioned during the summing up.

**Ms RATTRAY** - We want to make sure that people are very certain about what entitlements are copied over and then the opportunity to become an employee under the Fair Work Act, so as long as we have an absolute firm commitment that that is the case. I heard from the Leader this morning that the minister is absolutely focused on making sure that every entitlement and conditions and the like will transfer with those employees because that has been the biggest concern.

**Mrs HISCUTT** - In case anybody is reading this ever again, can I say that the answer to this question was put down in my summing up. The minister has taken expert advice on these matters to make sure that we get them right and that nobody is disadvantaged.

**Ms RATTRAY** - One final response to that, if I might?

As we know in this place, often there is differing legal advice, so as long as the Government is absolutely certain that they will be able to stand by that advice and will not back away from that then that will provide a level of comfort for me and is accepted.

I have made my point.

**Mrs HISCUTT** - To give you a little bit more comfort, I am advised that there has been advice sought in numerous places, internal and external to government.

**Ms LOVELL** - I want further clarification on the questions the member for Elwick was asking.

In her response to the member for Elwick, the Leader said that in the circumstance that the member was describing, if somebody who has been an employee of TasTAFE on a fixed term contract, who may have had that contract end - it could have ended now or it could have ended between now and the end of June - and then that person is re-engaged on a fixed term contract after the transition takes place, that employee would be engaged on the copied state award unless they chose to be engaged under the Fair Work Act and the provisions of the modern award.

I want to clarify how that would be presented to people. Is that a standard choice? Is that the intention that people will be offered the choice? What is that process likely to look like?

**Mrs HISCUTT** - It is up to the new entity to work out the logistics about how that will be offered but this is definitely the intention, as the minister has stated. That is what we expect to happen.

**Ms LOVELL** - A further question, to clarify, what would happen to any new employees engaged after the transition takes place while the copied state award is still in operation?

Will new employees have the option of being engaged under the copied state instrument or will they only have the option of being engaged under the modern award?

**Mrs HISCUTT** - They will have the opportunity to negotiate their wages and conditions under the modern award.

**Schedule 3 agreed to.**

**Schedule 4 agreed to.**

**Title of the bill agreed to.**

**Bill reported with amendments.**

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### **Suspension of Standing Orders**

#### **Allow Amended Bill to be Taken into Consideration**

[3.46 p.m.]

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

That so much of Standing Order 280 be suspended in respect of this bill in order that the bill as amended in Committee may be now taken into consideration.

**Ms FORREST** (Murchison) - Usually, I would stand on this but I acknowledge the decision of the Leader last night to finish at the ungodly hour that we did rather than being still here at three or four in the morning as it would have turned out to be. I know that there was a desire to get through the final process to have a chance for it to be considered in the other place again. In good faith I will not oppose this but I will say that this is certainly on a case-by-case basis. I make that really clear.

**Motion agreed to.**

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

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

**Motion agreed to.**

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[3.48 p.m.]

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

That the amendments be read the first time.

**Motion agreed to.**



**Mrs HISCUTT** - Mr President, I move -

That the amendments be read the second time.

**Motion agreed to.**

**Mrs HISCUTT** - Mr President, I move -

That the amendments as read be agreed to.

**Amendments agreed to.**

**Mr PRESIDENT** - The question is that the bill be now read the third time.

**The Council divided -**

**AYES 7**

Ms Armitage  
Mr Duigan (Teller)  
Ms Forrest  
Mr Gaffney  
Mrs Hiscutt  
Ms Palmer  
Ms Rattray

**NOES 5**

Ms Lovell  
Dr Seidel  
Mr Valentine (Teller)  
Ms Webb  
Mr Willie

**PAIRS**

Ms Howlett

Ms Siejka

**Motion agreed to.**

**Bill read the third time.**

**CONTAINER REFUND SCHEME BILL 2021 (No. 54)**

**Second Reading**

**Resumed from above (page 42).**

[3.56 p.m.]

**Ms FORREST** (Murchison) - Mr President, I have finished my contribution but I still remain as confused as I was when I started.

[3.57 p.m.]

**Mr GAFFNEY** (Mersey) - If it makes the member feel any better, I am now more confused after listening to her speech than I was before.

**Ms Rattray** - I do not think the member heard you.

**Mr GAFFNEY** - I am pleased. Mr President, I rise to voice my support for the Container Refund Scheme Bill. The outpouring of community debate on this issue has been significant. I thank all members of the community and broader organisations who shared their experiences, information and concerns on this matter.

Firstly, I draw attention to the extensive research and consultation that has gone into the development of the bill, the ministerial advisory council and expert reference group, comprised of representatives from the beverage retail and hospitality industries, the waste and recycling sector, local government and environmental groups and charities.

The proposed split responsibility model would see the scheme being run by an independent network operator and a scheme coordinator. Both are incentivised to increase return rates and ensure correct auditing respectively. As they are contracted directly to the government, all additional costs associated with subcontracting, as well as risks of conflict of interest, are eliminated.

The model is very close, or virtually the same as, the container deposit scheme that has been implemented in New South Wales. For the purpose of this speech, I will be referring to New South Wales as a comparative jurisdiction if we are to implement the split responsibility model.

Return-It is an Australian company that specialises in recycling and resource recovery, handling over 1.5 million containers per day. They are the network operator for the Australian Capital Territory container scheme, as well as a major operator across Queensland and Western Australia. For this reason, they are well placed to offer their knowledge on the effectiveness of the split responsibility model.

CEO of Return-It, Marc Churchin amidst other comments, noted that:

Under the split responsibility model, government, not the beverage industry, is empowered by its procurement of the network operator to set the priorities and select providers it believes will deliver the best community outcomes.

As elected representatives of the community, government is naturally better placed to determine the best interests of the community than representatives of one sector.

Such a model empowers the Government to set minimum standards. For example, under the New South Wales split model, the network operator is required to have around 450 collection points across the state at a full-time capacity, which they have exceeded to have 627. This may be contrasted to Queensland under the alternate model of only 309 collection points that only operate on three weekdays. This speaks to another common theme from members of the community reaching out to members of the Legislative Council. The split responsibility model is the only way forward to prevent significant conflicts of interest.

Under the alternative model there is no incentive for the beverage industry to create a convenient collection network. Accessibility and community engagement are the two most important indicators of the success of the scheme. Putting the appropriateness of the split responsibility model aside for a moment, the time of the commencement of this bill is another point of passion in the community.

Legislative implementation of a container refund scheme is long overdue in Tasmania, with Victoria the only other state in Australia yet to implement a container refund scheme. Tasmania is already lagging behind. The Boomerang Alliance represents 56 national, state and local environment-based non-government organisations. In their media release, director of the Boomerang Alliance, Jeff Angel, spoke of his frustration, indeed, many Tasmanians' frustrations, that after more than 20 years of waiting, the container refund scheme has been delayed by the request for an inquiry. The Boomerang Alliance was supported by statements made by the Australian Council of Recycling, who raised their concerns the potential delay for a parliamentary inquiry was unnecessary.

The WorldWide Fund for Nature flagged their concern even the smallest delay will make Tasmania the last jurisdiction in Australia to implement a container scheme, with Victoria set to commence their own in 2023. City Mission, the Tasmanian Council of Social Service, the Local Government Association Tasmania, 56 environment groups, the Boomerang Alliance and a number of peak waste and recycling industry groups are all examples of community groups that do not support an inquiry.

As an example of a community sentiment, Trish Haeusler of Plastic Free Launceston cited their group of dedicated volunteers had removed in excess of 1000 beverage containers from a single creek in the last six months. Trish, alongside other Tasmanians, emphasised the impact of plastics as they degrade our soils, air, waterways and marine environment. Any postponement of this legislation would mean that such groups would continue to operate at a financial loss and continue to see their local environment polluted.

The outpouring of community support for the split responsibility model is palpable. We must balance the importance of creating legislation which benefits the community with doing it in a timely manner. With the extensive community and expert consultation already undertaken, I see no reason to delay providing this incredibly needed service to the Tasmanian public. Best practice container refund schemes tell us ease of access to deposit sites and facilities is integral for the effective uptake of the scheme in the broader community. The proposed scheme would see at least 40 direct refund points across Tasmania, in addition to charities and community groups being able to act as secondary destination drop-off points to further increase accessibility.

This possibility of revenue generation for charities and community organisations has been highlighted as a particularly welcome aspect of the legislation. For example, the St Vincent de Paul Society and Scouts Tasmania have formed an alliance to work together to collect recyclables so the proceeding profits may be used to give back to the broader Tasmanian community. St Vincent de Paul Society's CEO, Lara Alexander, said Tasmanians are currently discarding millions of dollars' worth of containers that could be recycled into donations to assist community groups, feed and clothe people in need and reduce thousands of tons of litter and waste going into landfill.

For reference, the split responsibility model implemented in New South Wales has returned over a phenomenal \$12 million to charities and community groups since the commencement of their container refund scheme. She further highlighted that by centralising a container refund scheme it frees charities to focus their time on core activities, such as building better communities and assisting the most vulnerable in our society.

Contrary to some claims made among certain groups and communities, the experiences of jurisdictions such as New South Wales show minimal impact on the retail cost of containers. It only added 7.7 per cent increase in the first 12 months. The benefits that would be provided to the broader community in terms of revenue raising will well outweigh this minimal impact on pricing.

If we look on the bright side of how far behind Tasmania is in implementing legislation to support recycling compared to the rest of Australia, we may take comfort and take advantage of having the benefit of hindsight. The CEO of the Waste Management and Resource Recovery Association of Australia stated that, to drive accessibility and community engagement, a strong scheme requires a recycling-driven approach to collection points, where that governance body establishing and administering the scheme is not conflicted by a primary objective of minimising costs to beverage suppliers.

The proposed split responsibility model is the best format and it is unnecessary for us to undertake further parliamentary inquiry into whether a split model is the best format for Tasmania. We already know the efficacy of the proposed model as we have seen similar schemes undertaken across South Australia, New South Wales, the Australian Capital Territory and the Northern Territory.

We know from observing other jurisdictions across Australia the implementation of this legislation will take at least nine months to roll out across the state. As an extension upon this if we delay voting on this bill until early 2022 by sending this bill to a committee, we will be sending a message to Tasmanians we are not listening to their concerns. We will be sending a message they will have to wait until at least 2023 to see a tangible outcome of the container refund scheme.

An additional year is too long. As I have previously stated, this is a change many Tasmanians have been waiting for decades to see come to fruition. I hope this will be another step putting Tasmania in line with best practice with a view to protect our invaluable wilderness and local environments, support our community to build revenue and expand services. For these reasons I give my full support to the Container Refund Scheme Bill.

[4.06 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I would like to welcome and mention the minister is here. I was going to mention the minister in my opening to say how grateful I was for the time both Wes Ford and the minister gave me. I had about an hour's discussion with them trying to get my head around the difference between split systems and other systems, the wheres and whys and the reasons behind it. I thank the Leader for organising all the briefings.

I have had many individual briefings and last week with James Dorney, the CEO, and Markus Fraval of TOMRA Cleanaway, I spent about an hour with them via videoconference. I had telephone communication with Jeff Angel of Boomerang Alliance - I think he is also a network operator - plus Senator Peter Whish-Wilson. I have visited an operation in Western Australia when visiting family earlier in the year, but I will get to that later.

The bill to establish a Tasmanian container deposit scheme or refund - I remember the minister tells me refund is a much better word - has been a long time coming and is much anticipated. We all have an interest in keeping our state clean and green and having a scheme that promotes this is one of many ways we can do that. I agree with the member for McIntyre

the container refund scheme is a no-brainer and we heard that before from the previous member for Western Tiers, Mr Hall.

**Ms Rattray** - And the previous member for Rosevears, 2011, no-brainer.

**Ms ARMITAGE** - Absolutely. How many millions of containers have gone into landfill, on our roads and in our waterways over those last years? I agree with the member for Hobart - it is a priority to collect as much litter as possible. As the Leader pointed out in her second reading speech, beverage containers make up a whopping 43 per cent of Tasmania's litter by volume. Departmental modelling indicates a container deposit scheme will cut this by almost half.

The difference this will make to the cleanliness of our cities, our parklands and bushlands and to our precious Tasmanian flora and fauna will be significant. I must admit on the occasions when I walk up to the pool I usually take a plastic bag with me and usually collect a very full bag of cans and bottles on the way. It is a real problem in our streets as well.

Although we are one of the last Australian jurisdictions to develop and implement a CDS, we can benefit from the learnings that have come from other similar jurisdictions. We can take notice of what has and has not worked elsewhere, and adapt it to our own abilities and needs.

The bill we are considering today has not been without debate. Even though we all share a wider interest in having this container deposit scheme, the way we execute that has revealed a number of other interests at play. Quite a significant amount of preliminary research and investigation occurred in the development of this bill. As I understand it, a number of reports were drafted assessing the types of scheme, their applicability to the Tasmanian context and the costs and benefits associated with their implementation. In briefings, we were told that the Western Australian scheme was not in place at that time and therefore was not included in the reviews.

As a result, the bill we are debating today espouses what is known as a 'split responsibility model'. This model currently operates in New South Wales, the ACT and has been announced as the Victorian Government's preferred model. It involves a scheme coordinator who will run the administration and finances for the scheme, while a network operator runs the network of refund coins and is paid per container returned.

The draft bill was open for consultation early in the year and during that time, I believe over 100 submissions were received. Charities, not-for-profits, individuals, interest groups and businesses all presented their points of view on a scheme that will become a large operation in our state.

Not all stakeholders supported this scheme. One of the most notable points of contention related to the split responsibility model itself. An alternative scheme, known as the 'community or producer responsibility model' was touted as an alternative and promoted heavily by a number of stakeholders, including TasRecycle, an organisation founded by Coca-Cola Amatil online which is the owner of Boags.

Under this model, according to the TasRecycle website, a not-for-profit scheme coordinator is appointed by the government. It makes no profit, but incentivises all other

participants to do so. It is accountable to government for increasing recycling, providing the most suitable refund points and ensuring ease of access.

The Government's announcement of the split responsibility scheme was met with praise from some, on the basis that it takes the administration of the CDS out of the hands of 'big beverage industry'. I have no doubt that the Government selected this model in good faith, believing that it would bring together the beverage industry and the waste and recycling sectors and deliver the best sustainable recovery rates, recycling jobs and charity income.

It was mentioned during the briefings that a multiple network operator would likely put the cost on government; but I wonder if it could also be said that a split system puts the cost on the community.

I believe there are compelling reasons to consider other options and I said as much in the op-ed I wrote for *The Examiner* on 29 April this year. I do an opinion editorial every fortnight, and I decided that the proposed container deposit scheme would be a good topic. At that stage I did not know a great deal about it so I decided to try to be fairly balanced and put forward both schemes. It was not critical of a split responsibility model, but questioned whether there might be other avenues to consider so that we could maximise the benefits to our communities, particularly to organisations like Self Help and charities that could have a more proactive hand in the collection, deposit and refund aspect of the scheme.

Imagine my surprise when this opinion editorial was met with vitriol in the media from a letter to the editor.

**Ms Rattray** - It suggested you had been drinking Kool-Aid.

**Ms ARMITAGE** - An advocate for the waste industry publicly declared that I was misleading the community, was mistaken in my beliefs and had partaken in drinking the Kool-Aid.

**Mr PRESIDENT** - I hope it was out of a recyclable bottle.

**Ms ARMITAGE** - In politics, I have learned that when you encounter such resistance, you are going the right way. This was one of those occasions. Far from putting me off the issue - and until then I had not been involved in it very much at all - this letter to the editor made me more determined to better understand why the split responsibility model was chosen, get to grips with how it would benefit our community's environment, and what sort of scheme would maximise these benefits.

At the end of July, I took a trip to Western Australia to visit my family, as I had a new granddaughter. Considering the vitriol around the container refund, I decided to take that opportunity to see how the CDS or CRS had been implemented there, based on the producer responsibility model.

I visited a Good Sammy store and visited a TOMRA. It was like a very large shed and they had mini-TOMRA reverse vending machines, leased and operated by a husband and wife team. It was excellent. I have nothing against TOMRA being involved. They produce some very good vending machines and I had a very good discussion with James Dorney of TOMRA Cleanaway. I also went to Fremantle Council, as they are involved as well.

Good Sammy is a charity, a bit like our City Mission. They told me that no-one in the Perth area has to travel more than two kilometres to go to a refund scheme centre, which is quite incredible considering the distances there.

**Ms Rattray** - Two kilometres? Isn't that out in the Pilbara?

**Ms ARMITAGE** - I did say Perth, the greater Perth area. While I was there, a car arrived and they had a big bag of clothes that they gave to the charity. They also had a big bag of recyclables. The people I saw working there had a disability of some type and it was lovely that they had increased their employment. They got the bag of recyclables and physically counted them. They wrote it down on a sheet of paper, and gave the sheet back to the person who was waiting in the car.

They drove to the next section where they were given a refund for the number of containers on the list. They were given money. They gave clothes and then they got the money for their containers.

Next, I went to the big shed with all the TOMRA machines. The TOMRA machines were fabulous. I checked with my sons who live in WA. One said he donates them and puts them in the recycling as he doesn't want to do it; but the other one had one of these big bags and takes it to the TOMRA machine.

There was a gentleman at a TOMRA machine - it was his first time and he let me take some photos, but it is a bit hard on *Hansard*. The member for McIntyre was talking about young people being enterprising, and his children certainly were. They had a yacht at a marina. They had gone around all the yachts, given them bags and offered to get rid of all their rubbish, all their bottles and cans and whatever. The children had collected them all - this was going to be their pocket money. The father had all these bins, and one side of the TOMRA machine took plastics and the other side took cans - they just went through the machines.

The beauty of this machine as opposed to the closed vending machines, is that it counted every item. Every item was paid for. I have been told that with some of the closed machines, the other vending machines, if items do not have a readable barcode or they have lost their label, they do not get counted and you do not get a refund for them. These machines simply counted per item going through, as opposed to needing to scan or read a label; they could even be crushed cans, it did not matter.

**Ms Forrest** - Through you, Mr President, if it was an ineligible container would it still go in?

**Ms ARMITAGE** - They did have people there keeping an eye on things, so it was not unmanned.

**Ms Forrest** - There was someone there watching?

**Ms ARMITAGE** - There were a lot of people around. Yes.

**Ms Forrest** - Okay, sure.

**Ms ARMITAGE** - It was not like a vending machine at the front of a shop. This was in a big shed and people were wandering around helping and keeping an eye on things. As material went through the conveyor belt, someone had to get it off the conveyor belt and sort it.

**Ms Rattray** - Through you, Mr President, a bit like they do at Kmart?

**Ms ARMITAGE** - Yes, very similar and people are helping you.

**Ms Rattray** - Self-serve, but if you put your hand up someone will come.

**Ms ARMITAGE** - The father put all the containers through and pushed the button on the machine. A piece of paper popped out which told him how many containers he had and from there he went over to another hole in the wall and he put the piece of paper in and he could either choose for the amount to go into a bank account or could choose cash. He chose cash. I really liked those machines. I am not against TOMRA at all, I think they have some very good machines and it worked well.

Fremantle Council was different again. They work very hard towards recycling and they had quite a few people employed. They had a lot of different ways of working it. One of their approaches was almost like a garbage bin but it had a white lid and it had a little circle cut in the top to put the containers through, and a lock on it so that people could not take them out. The containers have the names of each restaurant or hotel on them. Council would collect the full containers and bring them back to the depot. I went to the depot and had a look. Each restaurant would get a certain percentage of that money back into their bank account, because the containers were tagged.

A certain percentage would go to the council for taking the containers and dropping them back, and a percentage went to the restaurants. They had huge cages with padded bottoms for people that could not get in during the day to drop off all their containers. In that case, you would go to the council and get bags with little tags, and register your bank account details. You could then drop the bags whenever it suited you into big locked cages with a slit at the top, inside a compound, so people could not get the bags out. Once your bag was collected, the little tag identified you and council then credit your bank account, less a certain amount for the work council was doing. That was an excellent system.

I accept that the beverage companies were overarching, but there was a totally independent board - Western Australia Return Recycle Renew Ltd (WARRL). Any money that was made went back into the system. One of the concerns I have with a split system, is that any money made will go to the shareholders and we know there is a lot of money to be made. We need to remember that plastic and aluminium has value and can be sold to the highest bidder. I believe proceeds should go back to the scheme, lowering the cost for the government and the public. Whereas I believe that in New South Wales, the network operator banks that money themselves. They might take it but someone is still going to do get money for what comes in. I really would like to see the money coming back into the community as opposed to going off to shareholders of the larger companies that are operating it. That is one of the concerns I have.



As I mentioned earlier, I had really very little understanding of how these things work, until I was publicly attacked which made me take much more interest. As you said, once that happens you realise you have touched someone's nerve.

**Ms Rattray** - I expect that now the member has gone down that path, look out to those people who attacked her.

**Ms ARMITAGE** - Yes, I would like them to contact me again. Actually, they did contact me, wanting to speak to me on a briefing. I did not really feel it was necessary. I had spoken to all the others.

The split responsibility scheme gives power to waste industries to manage and implement the CDS in Tasmania. Some advocates of alternative schemes call this a monopoly or for-profit model, but I am not sure if that is entirely accurate. It provides waste industries with more power than, say, community groups, and not-for-profits to engage with that process and generate revenue along the way.

The producer responsibility model puts more power into the hands of beverage companies to administer the scheme and plan their business activities accordingly. That cannot be discounted.

Given the smaller scale of not-for-profit and charitable organisations in Tasmania, additional government intervention and support will need to be provided to assist these types of organisations to obtain the necessary resources and sustainably manage container recycling operations. I do not believe any organisations know what this sweet spot will be. I note that, when I was talking to the minister, he pointed out that they had tried to find out. I think we had it at the briefing as well. He had tried to find out from the Western Australian government how much they were putting into the scheme but I believe they had not been terribly forthcoming with the information.

As I mentioned, I do not believe anyone knows what the sweet spot will be, which makes implementing a producer responsibility a bit more difficult and will require a greater degree of government intervention.

I will read out a few of the emails and letters that we have received. One document is really quite interesting. This is the one that notes the objectives of the schemes and the jurisdictions:

In South Australia the objective of the scheme is to reduce litter.

That is a very good objective. I agree with the member for Hobart. That should be your priority.

In the Northern Territory, reduce beverage container waste by providing communities throughout the whole of the territory, as far as practicable, with access to facilities for the collection of empty containers and the payment of refund amounts. Also, to increase resource recovery, reuse and recycling.

In New South Wales, the objectives are to reduce litter.

In the ACT, encourage recycling, reduce litter and waste in landfill.

In Queensland, reduce the amount of drink containers that are littered and increase Queensland's recycling rate.

In Western Australia -

I have always thought Western Australia do everything very well. I know they do not always agree with Tasmania.

**Ms Forrest** - They have done the whole rest of the country over with GST.

**Ms ARMITAGE** - Yes, but they do tend to do things well. They are a bit like New Zealand.

In Western Australia:

- increase recovery and recycling of empty beverage containers.
- reduce the number of empty beverage containers that are disposed of as litter to land fill.
- ensure that the first responsible suppliers of beverage products take product stewardship responsibility.
- provide opportunities for social enterprise and benefits for community organisations.
- create opportunities for employment.
- complement existing collection and recycling activities for recyclable waste

In Tasmania:

- reduce litter
- increase recycling rates.

I believe they should be priorities.

In Victoria:

- circular economy
- strive for circularity of beverage containers.

There is quite a long list. I know we are fairly limited on time on our last day so I will not read all of Victoria's. Product stewardship and best practice, deliver a best practice and cost-effective approach so it is adaptable and fit for purpose to Victoria's context. And it goes on by adopting a continuous improvement approach, responding to changing market conditions and ensuring a convenient easy-to-use and accessible scheme.

It does need to be easy to use and accessible. That leads me on to TOMRA. I had a long discussion with James Dorney, CEO and Markus Fraval, director of TOMRA Cleanaway. We had a video link and I did ask to send it on to members because I thought members would find it interesting, the overview they had about different states and how much and how they collect

it. I am not trying to push one or the other, just trying to find which is the best way. I tried to include in my presentation both sides of the argument.

They provided many sheets with the comparison of global return rates and deposit values. How much they have collected. How many people they have working for them. The interesting one was the world-class container deposit scheme, they call it in New South Wales, which has collected over 6.4 billion containers since the scheme commenced. There are 620 plus collection points; 300 plus charities and small businesses; 77 per cent participation and 88 per cent support. They have had greater than 55 000 tonnes for recycling. They have world-leading technology where there are vending machines you put your things in and get them out and have created over 750 jobs.

The information provided was interesting and I appreciate the fact they allowed me an hour to speak with them and ask questions. They were very forthcoming with information and I was pleased they were able to send on the information to me and other members for consideration. It is important we have everything in front of us when we make the decisions.

Another interesting one is TasCOSS. On their website they still had the original submission they put up on 8 July, where TasCOSS wrote a public submission to whom it may concern:

TasCOSS welcomes the introduction of a Container Refund Scheme (CRS) and the potential it provides for social benefit beyond the environmental benefits of recycling.

Then it goes down to:

To realise these opportunities, TasCOSS considers the draft legislation could be improved by preferencing a Community Producer Responsibility model, similar to the models operating in other states (SA, WA, QLD and NT). The model design in the draft Bill lends itself to a large, monopoly, waste company operating as a single network operator, with a focus on profit rather than the schemes objectives.

A Community Producer Responsibility model is preferred by our industry members as it establishes a NFP entity as the scheme coordinator and enables community groups, charities and other NFPs to choose to take part by directly contracting with the scheme coordinator and receiving the full benefit of their participation. By contrast, the system proposed in the draft Bill will see the network operator determining the organisations it contracts with and sharing in their revenue.

We urge the Government to reconsider the operating model provided for in the draft Bill and further explore the potential for a Community Producer Responsibility model.

TasCOSS would be pleased to facilitate a meeting of our industry members ...

And it goes on. I looked at their website only half an hour ago and that is still on the website.

On 16 November we received addressed to ourselves:

I am pleased to confirm TasCOSS's support for the Container Refund Scheme Bill 2021. There has been extensive consultation on a Tasmania Container Refund Scheme and the Governments proposed split responsibility model provides for charitable, not for profit and community organisations to participate and benefit. Our engagement with our members and the community services industry has identified general support for the proposed model and an eagerness to see the legislation passed, so that implementation of the container refund scheme is not unnecessarily delayed. We are already working with organisations in our industry to progress their plans and support them to participate in the various elements of the scheme. We look forward to the bill's passage through the parliament and the commencement of the scheme.

I did not contact them, because I did not want to have to ask them to tell me. I do not know what changed their minds and I am not going to put them on the spot. It was interesting all of a sudden, they have had a great change of heart and wondered whether it is because they want the scheme implemented as soon as possible.

**Ms Forrest** - It could be the same reason some of the industry players were asked to write to us about the protest laws recently.

**Ms ARMITAGE** - Well it could be, but it is interesting only a few months ago they had a very different opinion.

**Ms Webb** - They are a research-based organisation, I am sure they had a reason to change their mind, rather than wanting to see it faster.

**Ms ARMITAGE** - Do not know. They did not actually make any comment about that, but -

**Ms Webb** - If you did not ask them we do not know.

**Ms ARMITAGE** - That is right, exactly and what I am simply saying is it was interesting. Grant Hinchcliffe, CEO, Tasmanian Independent Retailers writes to us:

I write to you on behalf of Tasmanian Independent Retailers -

And we know IGA comes under the Tasmanian Independent Retailers and they have quite a lot of stores in Tasmania:

to express our concerns with the container refund scheme legislation as is currently proposed and support a request for a further detailed investigation to be undertaken on this legislation by the Legislative Council. Tasmanian Independent Retailers is a co-operative and represents more than 180 independently owned and operated businesses across Tasmania, of which more than 80 trade under the IGA branding. In order to support our members we are a 40 per cent shareholder in Statewide Independent

Retailers, which operates the State's largest distribution centre in Tasmania, at Breadalbane.

As a result of this, we will play a key role in administering any container deposit scheme in Tasmania. As for the purpose of the legislation, we will be the point of sale for a significant proportion of the container beverage drinks that are sold in Tasmania.

When it was announced that Tasmania would have a container refund scheme, TIR has been fully supportive of such a measure. Our philosophical approach to the State's container refund scheme has been simple. We want the easiest and most cost-effective scheme developed in Tasmania, that delivers the highest possible recovery rate, at the lowest possible cost to our members as well as consumers in Tasmania.

As it stands, we are concerned the current model does not deliver the cheapest possible scheme to our members, or consumers and while there is much talk of redemption rates and successes of other scheme interstate we are yet to see compelling evidence that the split model, which is being proposed, is superior to producer responsibility scheme. Given this, we would ask that this matter is properly investigated so that Tasmania can have the best possible container deposit scheme.

Similarly, a letter from the Tasmanian Small Business Council, it says:

Tasmanian Small Business Council is concerned that the bill as currently formulated does not provide the maximum benefit to Tasmanian Small Business sector and we therefore seek your support in undertaking a short parliamentary inquiry into the draft legislation.

I am not really sure whether there is anything such as a really 'short parliamentary inquiry.' However, it goes on:

From our perspective we believe that Tasmania's container refund scheme should aim to maximise participation from both consumers and small businesses. Many of our members are small retailers in regional parts of Tasmania and for this reason it is essential, in our view, that the scheme be opened to all retailers to join as collection points if they so choose. This would also be good for regional Tasmanians by providing accessible collection points. However, under the legislation, as drafted, we are concerned that small business will have to seek to sign-up via a contract with the monopoly network operator on such terms as dictated by the network provider. This would likely mean the network operator would charge a management fee. Rules of operation and on our reading of the bill have no obligation even to accept a small business to join as the collection point.

We are aware that the Tasmanian scheme is modelled on the New South Wales scheme but that in other states, such as Queensland and Western Australia small business are able to contract directly with the network

operator. In our view, this would be a significantly preferable option for small business.

I am also concerned that the draft bill disadvantages small business as it requires a network operator to provide logistics as well as collection. This will effectively lock out any small business who wishes to only operate a collection point from tender indirectly and instead they will have to seek to sign up with a network operator who will presumably be a larger waste company.

This would seem to be inconsistent with the Government's buy-local policy, which is designed to support small business by requiring the disaggregation of contracts where possible. I should add for the record, the TSBC was a member of the expert advisory group and we put these views forward to the Government through that process. However, this group met infrequently and I was concerned then as now that the interest of small businesses was not adequately accommodated.

That was Robert Mallet, CEO, Tasmanian Small Business Council.

I met with the City Mission and had a discussion with them. At the time, they were not sure that they would be able to profitably run the road network area to do it. I note now that they have come out in favour of the scheme we had before. Their understanding at the time was that it was just too difficult for them to make a profit by running it themselves. That is fine. They have made that decision and obviously that would be useful for them.

I am sure that they will do quite well, as many of the network operators have under the TOMRA scheme, with the TOMRA Cleanaway as mentioned, having spoken to James Dorney. He showed me pictures not only of charities that had a certain amount of these - they were the size of a container, like a container that you would see on the back of a truck. They had been sorted out to basically be a distribution centre or a refund centre that you would bring your containers to. They would have a little area that spat out whatever it was going to be, whether it was going to be money or whether it went into your bank account.

Going back to the small business, TOMRA Cleanaway showed me, I think it was a fish and chip shop. I am not sure exactly where it was in New South Wales but it showed pictures of a lady bringing in her bags of containers. I thought it was a strange thing because you would think a fish and chip shop would be fairly busy trying to do their normal work rather than be taking bags of containers. They took them at a certain time on certain days at certain hours and they had a large container out the back. The stores did not count them themselves; they simply collected them. In the photos that TOMRA Cleanaway showed me the lady in the picture handed over the bag full of containers to the man behind the counter at a certain time. I cannot think of the time it was - whether it was between two and four or otherwise. He had a really huge container out the back. All he had to do was to collect it and put it in there.

She would say how many containers she had. It went on trust. I thought this was a little unusual that she would say she had 50 or 100 containers and he would pay her for that. He had a float that was provided to him by the network operator. He did not have to give out any of his own money. If a lady had a little slip that said there were 100 containers, he would give her the money. He would then put them in the big container out the back to be collected and it

would be tallied. Generally, I was told, it came fairly close. Most people got to the stage that they knew that it would be checked somewhere down the track so it was pretty accurate.

The main point that was pointed out to me there was that the small businesses did not have to hand out money and get money collected back. That gentleman actually got a management fee basically from TOMRA Cleanaway for handling the bag. He handled them, he took them, he put them in the container, they came and collected them and took them away and gave him a float.

I am really trying to be fairly balanced. That was the split system. Looking at them both I was very impressed with the Western Australian model but I am not going to downplay the other model either. It is really important we do look at both because at the end of the day what we all want is something that is good for Tasmania and suits us but is also beneficial and collects as much as possible in the way of containers, recycling and litter.

Another letter from Chester Willock, Retail Area Sales Manager of the IGA. He said as an interested party in the container refund scheme, he had some concerns that it does not provide the most efficient outcome in terms of the split model being compared to a producer responsibility scheme.

Then we have a media release from St Vincent De Paul Society and Scouts Australia. It is really good to see whichever scheme gets up - and, at the end of the day, we all want a container refund scheme that the community can easily access. It can be beneficial to so many groups. It was really pleasing to see that some groups - I do not know whether they agreed on whichever model or whether they did not but, whatever it is, they have decided that they will team up and make it work for them. That is really important.

The St Vincent De Paul Society has joined with Scouts Tasmania to support the container refund scheme. It says that they formed an alliance with Scouts Tasmania to support the Tasmanian Government's container refund scheme. The association will see both statewide community organisations working together to collect recyclables to benefit the scouting movement in Tasmania and vulnerable people in need across the state. The CRS, which is intended to commence in late 2022, will provide groups and organisations like Scouts Tasmania and the St Vincent De Paul Society with urgently needed funds to invest back into the community. The St Vincent De Paul Society CEO, Lara Alexander, said:

The association with Scouts Tasmania will allow two of the state's most widespread organisations to access bottles and cans for recycling and turn them into donations.

It is really important that they can get donations. We all know that many people have gotten a lot of their pocket money collecting bottles and cans. I know of a young lady in Launceston who pretty well got the deposit for her house over a number of years going around cleaning up the streets and around the edges of the road collecting aluminium cans. Obviously, there has always been some money in aluminium cans. They go on:

The CRS is a brilliant and exciting initiative by the Tasmanian Government and one Scouts Tasmania and Vinnies hopes the public will support enthusiastically. Between Scouts Tasmania and Vinnies, we will have

numerous collection points across Tasmania so people can donate their recyclable items to a worthy cause and do their bit for the environment.

It goes on:

Years ago, collecting bottles used to be a major fundraising opportunity for many groups. It's nice to return to our roots via such an effective and simple idea as the CRS. By participating in the scheme, it provides a fundraising source for our groups across the state to not just invest back into Scouts but into our community.

It goes on:

Scouts Tasmania is looking forward to the continued progress and rollout of the container refund scheme.

I also visited Self Help. I visited many businesses and charities in my electorate to get their opinions and find out how they were faring and what they were thinking about a variety of issues but also the container refund scheme. I met with general manager Donna Bain and I cannot think of the chap's name but I think he said he did accountancy work. He worked out the figures and the numbers for Self Help.

Their concern when I met with them was whether they could make it profitable under the split system. Apart from collecting and getting the 10 cents, as I think the average community person can, they did not really think they could make it profitable to be an operator to get enough money coming in and that it would end up costing them money. On 5 July we received a letter from Donna Bain. I have permission to read out all these letters.

The purpose of this letter is to set out Self Help workplaces' observations and suggestions to strengthen the container refund scheme proposed for Tasmania. Self Help workplaces are social enterprise -

I do not think I need to go into what they do; I am sure we all know what they do. I might just get to the pertinent information. Donna says:

In order for the scheme to offer substantial sustainable opportunities for our social enterprise, the scheme needs to include the following legislative features:

- (1) Mandated minimum involvement of social enterprises, not-for-profits within the scheme, for example, as refund collection point operators and downstream processing, such as sorting, grading and preparation for freight, for example, compacting.
- (2) A scheme arrangement in which none of the key players, for example, network operators or others have a conflict of interest that affects the capacity of other organisations to join the scheme. Self Help Workplace is concerned that the model proposed by government delegates considerable authority to network operators to decide who enters the scheme and the terms under which they participate in the scheme. For example, a network operator could decide to enter into an



arrangement with one or two refund collection point providers in order to minimise the number of contractual arrangements they need to manage. This is not consistent with a decentralised model in which local communities have a strong say and role in the scheme.

- (3) The scheme should prevent any organisation from mandating that refund point operators purchase certain models of equipment or enter into perpetual lease arrangements for equipment. Such anti-competitive practices limit the capacity of organisations such as Self Help Workplace to develop a sustainable business model that serves our interest, not those of another organisation in the scheme.
- (4) the scheme's arrangements, including the contractual terms, that are allowed between the various parties in the scheme should support the following principles:
  - (a) organisations will develop capacity to grow their involvement in the scheme. The financial returns from the scheme should match their greater involvement. Put simply, if an organisation collects and returns more containers as a refund point operator, its net financial return should be greater.
  - (b) the scheme should allow organisations to scale up and diversify over time. As noted in reports about the scheme, the maturation of the container refund scheme will take some time.

As the community learns more about the scheme, both consumers and manufacturers, the volume of containers in the scheme should increase. This should be matched by an increasing involvement of and benefit to organisations such as Self Help Workplace, as we strengthen our capability and capacity to be involved in the scheme. Self Help Workplace recommends that government amend the legislation in the following ways:

- (1) Allow for direct contract arrangements between the refund point operators and the scheme coordinators. This will remove the cumbersome and costly middle player, the network operator. This arrangement facilitates refund point operators to then receive the full handling fee per container collected, rather than leaking some of this to the network operator. This is particularly important given the regional and thin market, which the CRS will operate in Tasmania, even at full rollout. Maximising the return for refund point operators increases the likelihood of modest size disbursed refund points being viable.
- (2) Allow refund point collectors to pay the refund to the consumer through a variety of means, including cash, direct bank deposit and/or donations to the charity of their choice.

The full benefits of the scheme to local communities will be realised if refund point collectors can involve staff in receiving and receipting deposits and

paying the refund through a variety of means. This model improves the likelihood that jobs will be created through the scheme and also respects some of the demographic characteristics of the Tasmanian community, such as low literacy rates and patchy access to the digital world.

A TasCOSS report in 2018 found if you are on a low income and not in work, are older and did not complete secondary school, you are more likely to experience digital exclusion than people who are employed, on higher incomes, tertiary educated and younger. There are significant gaps and, in some cases, increasing gaps between these population groups in Tasmania. People who live outside Hobart are also more likely to be digitally excluded, especially those in Burnie and the west. The report, *Understanding Digital Inclusion in Tasmania*, is reporting on research findings and they have listed the link here for it.

There has been much talk in the press and at the information sessions about the benefits to charities in the model. Self Help Workplace, while a charity, public benevolent institution, is not seeing this as a charitable fundraising endeavour. Rather, we are viewing this as a real opportunity to grow a new social enterprise venture that achieves the following:

- (1) increases the employment opportunities for people with disability;
- (2) realises a strong and sustainable financial return to the enterprise, which is then redirected to our mission;
- (3) strengthens local community collaboration and cooperation; and
- (4) results in a cleaner, greener Tasmania.

The legislation needs to be framed in order to maximise the opportunities for all of these objectives to be achieved. Tasmania has the highest rate of disability in the country. One in four Tasmanians identifies as having a disability. However, the most recent data reported by the Australian Bureau of Statistics in its *Disability, Ageing and Carers Australia Survey 2018* reveals an unemployment rate of 4.2 per cent and a participation rate of 41.1 per cent for people with disability, compared with 5 per cent and 85.6 respectively for people without a disability.

The involvement of enterprises such as Self Help Workplace and the new container refund scheme has the potential to bring about a significant and ongoing change in the lives of people with disability. Employment supports people with disability to become more economically independent, make and sustain social connections and enjoy a life of good physical and mental wellbeing. It also improves the lives of their carers, who are then able to pursue work opportunities, take care of other family members and participate in their communities.

It goes on that Self Help Workplace would be pleased to provide further information about the involvement of social enterprises in the scheme and be involved in the design of the scheme.

I appreciated the container refund fact sheet. Some members mentioned that we only received it lately, but I found it in amongst some of my other information. I think we may have received it twice. We may also may have received it earlier on. I thank the Leader and the minister for the fact sheet.

With the split responsibility model there are two contemporary container refund scheme models operating in various states across Australia. The split responsibility model already operating in New South Wales and ACT and announced for Victoria, and a single governance model operating in Queensland and Western Australia.

A single governance model is where the scheme coordinator, generally made up of a consortium of the beverage industry, manages the whole scheme. This is the scheme proposed by TasRecycle. A split responsibility model is where the scheme coordinator controls the financial and administrative side of the scheme, a separate network operator then manages the network of container refund points. This is the model that has been recommended by the ministerial advisory group and is the Tasmanian Government's chosen container refund scheme model.

With a split responsibility model, the scheme coordinator works to keep the overall costs of the scheme down, while the network operator is incentivised to maximise the number of containers returned. Current publicly available information demonstrates that New South Wales, with a split responsibility scheme, has a higher redemption rate of 67 per cent compared with Queensland which has a single governance scheme with a redemption rate of 62 per cent.

We were told consultation on the scheme has been extensive to ensure it will best serve the Tasmanian community. A report by Marsden Jacob in 2018 started this conversation and made a number of recommendations. Building on this work an expert reference group made up of a wide diversity of organisations and companies, with CRS expertise and knowledge, was formed in early 2020. The Department of Primary Industries, Parks, Water and Environment also engaged heavily with other jurisdictions who have implemented a scheme, seeking information and advice. From the briefing we learned that they did not engage with Western Australia because at the time Western Australia - I am not sure how long the scheme had been going. I think it was in its infancy.

Following this, the minister appointed a Waste and Resource Recovery Ministerial Advisory Group, MAG, consisting of representatives from the Tasmanian government, local government, resource recovery sector and local business leaders. The MAG considered all the previous advice and evidence and recommended to government that a split responsibility governance model would be the best scheme for Tasmania.

Following this recommendation, the draft container refund scheme bill went out for a five-week public consultation period. The draft bill and explanatory paper and a regulatory impact statement were made available on the DPIPWWE website for public review. Officers from DPIPWWE also conducted webinars with the general public, local government, small beverage producers and the charity and community group sector to discuss the various aspects of the bill. A short online survey was also available with more than 3500 responses.

The beverage industry will fund the scheme, as it does in all mainland schemes. This aligns with the idea of product stewardship. The cost of getting empty containers back and into recycling is built into the price of the product. Therefore, whoever sells a product takes responsibility for minimising its environmental impact. The fewer empty bottles returned, the less money has to be paid by the beverage industry. This can be worth millions of dollars a year. It is important to note there is no evidence the split responsibility CRS model leads to higher cost of the container for the beverage industry. Publicly available information demonstrates the New South Wales scheme, a split responsibility model, generally has lower scheme operation costs than the Queensland scheme, which is a single governance model. In addition, the amount that beverage companies pay into New South Wales scheme per container is often less than they pay into Queensland scheme, meaning that the cost impact on business is actually less under a split responsibility model.

Opportunities for community and charity groups - all interested charities, community groups and sporting clubs around Tasmania will be able to benefit from the establishment of a container refund scheme. I feel I am almost reading the Leader's second reading speech. Charities and community groups will be able to run a donation point where they can receive donations of containers from the community and take these containers to a refund point to collect 10 cents per container for their organisation.

Further to this, all charities and community groups will be able to register for a refund account that will enable members of the public to donate their refund to any refund account. This means when you take your container to a refund point, you will be able to donate your refund to a charity or community organisation of your choice. Charities and community groups will be able to partner with a network operator to run a refund point if they are an appropriate business selected to do so. The network operator has the incentive to work with whoever is best placed within the network to maximise container return. If that is a charity or community group, they will have a fair and equal opportunity to operate a refund point.

That was the container refund scheme fact sheet provided to us. I do not know I can actually read that out without probably reading in the other side also. It is only fair to actually read the letter we received from Nathan Calman, the brewery director at Boag's Brewery. He says:

Dear honourable members, I am writing to convey to you very deep concerns about the cost impact on Boags Brewery of the Government's proposed container refund scheme as contained in the legislation which is currently before you. First and foremost I would like to confirm our support for the introduction of a container refund scheme in Tasmania. We think this is a very important initiative, which we, as brewers, are very keen to participate in. It is important to note that this introduction of a CRS will be a significant cost impost for us of around \$8 million per year once it is fully established and redeeming 85 per cent of containers.

Contrary to popular misconception, we are unable to pass on all the costs of the scheme to consumers. Typically, brewers like us absorb 50 to 70 per cent of the total cost of a CRS. We have two particular concerns with the legislation before you; (1) the additional unnecessary costs of the Government's for-profit scheme design, and (2) the unfairness of the Government's 20 000 container threshold.

- (1) Additional costs of the Government's for-profit scheme. As outlined above, the imposition of a CRS will cost Boag's Brewery around \$8 million per year, a very significant cost, but one which we are prepared to carry. However, because of the for-profit design of the Government's proposed scheme, we estimate this will mean an additional cost of up to \$1.5 million per year for our brewery. This estimate is based upon our careful examination of and comparison of the existing scheme to New South Wales and ACT for profit versus Queensland, South Australia, the Northern Territory and Western Australia not-for-profit.

For example, the 2019-20 annual reports for the Queensland and New South Wales scheme show a cost per container collected in New South Wales of 10.5 cents, including GST, compared to 8.6 cents, including GST in Queensland.

He goes on:

We would welcome the opportunity to provide detailed information about our costs and how the Government's costly for-profit CRS will affect our operations on a confidential in-camera basis.

I guess that is understood.

On top of this, we are confused as to why the Government has chosen to put in place a 20 000 container threshold, something that does not exist in any other state, which will fully exempt many of our competitors for any scheme costs, around 40 according to the minister, and which will instead shift that cost to larger employers such as ourselves. Despite the minister stating he consulted widely through the expert reference group, this feature was not included in any consultation, nor was it included in the public consultation explanatory statement and regulatory impact statement meaning that input and feedback on the impacts of this approach could not be provided.

Based on our calculations, we estimate that this will increase the cost of the scheme per container supplied by 0.7 cents, which will mean an additional \$300 000 per year cost to Boags on top of the \$1.5 million outlined above. In our view, the imposition of this threshold which effectively makes us pay the CRS costs of our some of our competitors is unfair and anticompetitive.

Honourable members, to our knowledge, the Government has not undertaken economic modelling on either the broad impact of your scheme design on businesses such as ours or of the impact of the 20 000-container threshold.

The higher the cost of the scheme, the higher the cost to our business and it is certainly not cost-neutral, as has been claimed by the minister publicly. You can, therefore, understand why we are so concerned about this matter. Boags is one of Tasmania's oldest breweries, recently celebrating our 140 birthday. We employ 70 Tasmanians and contribute significantly to the northern Tasmanian economy.

It is unfortunate that, in our view, the level of engagement by the Government with our concerns to date has been extremely disappointing. Various, our concerns have been either ignored or arguments have been constructed to try to dismiss our legitimate concerns. We cannot help but feel that the Government made a decision very early on to proceed with the for-profit CRS and were not interested in considering or ameliorating its effects on our brewery.

As a member of the House of Review I, therefore, respectfully request that you support the move foreshadowed by Labor to have the bill examined by a parliamentary committee, so that its impact on our business and others can be fully understood and mitigated.

Nathan Calman  
Brewery Director  
Boag's Brewery

It is only fair I read out the Government's container refund scheme fact sheet to put the other side.

I have had discussions with Senator Peter Whish-Wilson, who pointed out to me he thought it has been such a long time we have been waiting for this and we obviously should go with the scheme before us. I had a long discussion with Jeff Angel, who was really good and pointed out some areas to me as well as his opinion, and we had discussions with him yesterday in briefings.

Allow me to be clear and unequivocal. My support lies with removing as much litter as possible as well as with our community groups. I want the Tasmanian container refund scheme to maximise the benefits, not just for the environment but allow our community groups to best engage with it along the way.

What we have here, in my opinion, are two reasonably compelling arguments for alternative models.

I have spent many hours researching the bill and the policies which inform it. I have spent many hours with stakeholders on both sides considering their views and understand at this point most community groups support the passing of the bill in its current form to expedite the implementation of a container deposit scheme in Tasmania. I understand, they simply want a scheme and they want it now. I believe a scheme is better than no scheme. I want to ensure this is as robust as possible before it is legislated.

Tasmanians deserve a world-class container deposit scheme and it should consequently be managed as such. The scheme must increase recycling rates and collect as many beverage containers as possible and be reflective of the needs and expectations of Tasmanians and provide as many opportunities as possible for our communities to engage with.

I support the principle of this bill wholeheartedly and I look forward to hearing from other members. The question remains for me - is this the best model for Tasmanians and our community?

This legislation has been a long time coming and it will be in place for a long to come, it is up to us to make sure that we get it right. Tasmania, as has been mentioned by others, is a small state compared to others with split schemes and we need to ensure a scheme that looks to the best interests of the people of Tasmania is a scheme we actually have.

I ask the Leader - and I have not asked you any questions on this. I have done so much research and as I said Mr Jaensch has been excellent as has Wes Ford in providing any information I have needed. I have been very impressed with the response I have had to any of my questions.

**Mrs Hiscutt** - That is a delight to hear. Thank you.

**Ms ARMITAGE** - I thank them for that. When I phoned the minister, he has answered me; if he has not answered, he has phoned me back. I spent an hour with them and I am sure they did not have that much time so I really appreciate that.

We want a scheme and we want the best scheme we can get.

As I mentioned, plastic and aluminum do have value and that is important and worth remembering. What are we going to do? When we collect it, where is it going to go? We have Bass Strait, so it is going to cost us to send it somewhere. I think it was mentioned that we were looking to build - we had it in briefings, but it is good to have on the public record what we are looking to do and how we are looking to process the cans, the plastics and all the containers we get in, and where they are going.

Ultimately, my main concern was the for-profit scheme as opposed to the not-for-profit scheme. If there is a million dollars made, I would like to see a million dollars go back into the scheme and back into the community, not to a large business or shareholders. That is where I am coming from. Anyone can understand, it is like saying, if you have your beverage companies in charge, do they incentive to collect as much as possible? You would have to say, maybe they do not. Then you read the letter from Nathan Calman as to how much they have to pay under the current scheme. Realistically, they are paying so much more under that scheme.

Having been to Western Australia, it was a shame really -

**Ms Rattray** - That we all cannot go to WA and have a look.

**Ms ARMITAGE** - I did not initially go to look. I was going to visit my new granddaughter. It was simply when I had the vitriolic letter to the editor, I decided when I was over there I would check out the system and see how it ran.

I had a good meeting with Good Sammy's and a couple of the members of the independent WARRL board. They were very impressed with how it ran and they felt that targets would be achieved.

One interesting fact I have noticed with a variety of the schemes around Australia is when they have targets, there is no penalty. I often wonder why you would bother having a target if you do not have a penalty if you do not meet it.

**Ms Rattray** - An amendment for the member - to insert a penalty.

**Ms ARMITAGE** - I don't know that we have targets either. It was interesting.

I am concerned about the scheme we have before us. I would have thought a split model is for profit. I am more about not for profit and the money going back, but any scheme is better than no scheme.

It may be a bit late to be hoping for too much, but if the Labor party put up for an inquiry, I am inclined to support it, if it were short and sharp. What the outcome of that inquiry would be is hard to say. I believe that we are going with the wrong scheme for Tasmania, but I was not making those decisions so I have simply put my thoughts on the record. I support the principle of the scheme. I support a container refund scheme in Tasmania.

[5.13 p.m.]

**Ms WEBB** (Nelson) - Mr President, I reassure everyone that I rise to make a short contribution on the bill.

**Mr PRESIDENT** - There are no time limits here, honourable member.

**Ms WEBB** - Are there not? I was not aware. I am very pleased to speak on the bill. It certainly, as many others have noted, has been quite a long time coming and has been well discussed for a long time in this state. I am in thorough agreement with the object of the bill to quite reduce our litter and increase our recycling. That is very much in context with lots of outcomes we want for our state.

I have appreciated the briefings that have been provided and the time that has been made available for them from all who have contributed their expertise, their thoughts, concerns and questions and their information. My appreciation for that is on the record.

I have found it particularly informative and useful to hear the contributions of other members. So, I thank those members who have made extensive contributions on this bill and particularly for the work they have done in putting a lot of questions to the Leader. There will be a really substantial amount that comes back through the summary that the Leader will provide. That has covered a lot of areas that I too would like to hear more about and have on the record as part of this process.

I do not need to add to that too much in my contribution at all. I acknowledge the many representations that have been made to us from a whole range of groups and community members, business owners, environmental groups, not-for-profits and direct information provided from the minister and from departmental folk as well. Members have provided many in their contributions. I think that is a really good representation of the different communications that we have received and the breadth of information that has been provided.

Again, I will not need to add to that in my contribution. I think it is pleasing that there is no real disagreement on a very fundamental question. We are all very interested to see a scheme in place. Our key question is: what kind of scheme?

We are very fortunate to be able to look to other states to look and learn from what has played out there and from the experiences that they have had. We are fortunate to be able to



draw on a body of work, a considerable body of work that has been provided through research and through policy development as well so that we can be informed in this decision-making.

Other than those very clear main aims of the scheme and the objectives of this bill before us, the other areas that I have noted that have come up for some questions and some differences of opinion include and are certainly not limited to, matters around appropriate governance, cost, level of returns and whether that is legislated, the involvement of the not-for-profit sector and sporting groups and the like; how collection points are organised and where they are located; employment outcomes that might be derived from whatever scheme is in place. And many more of these sorts of matters which I see as secondary matters that fall out of the decisions around the scheme.

We have received representations that cover many of those. There are still some different views and opinions provided and facts and alternative facts which can sometimes be a little bewildering.

So, from my assessment as I have engaged with the material, I found that looking through the material provided and the information available, I felt that I have been able to arrive at a defensible view on some of those things where I feel quite confident in an appropriate way forward. On some of the others, I am still less clear. I think probably some questions that have been asked here today and answers we might receive may assist with further clarification on some of them.

I am at a point where I am relatively clear about how I feel about this and what model we should have, going forward. To add to that and add to my confidence in thinking about where I put my support with a vote on this, I also look to process.

As you, Mr President, and other members here will appreciate, I am always interested in how we got here. I think it was quite useful for me not diving as deeply into the content of this topic as, say, the member for Launceston has who has shared that with us in detail. I am mostly interested to get confidence from the process itself. Have we followed a process that allows us to arrive at this decision point with the matter in this bill that we can support?

My understanding of the process is that it has been a relatively robust one so far. We know there is a long history of the discussion of the topic, decades even by the sound of it. We know that there have been some distinct reports provided. The Marsden Jacob report has been mentioned already. Extensive work was done by the department of the EPA, and that was informed and engaged with an expert reference group that, from the description that we have been given, was inclusive of all sides of this issue, all those who have interests in it, from financial interests through to values interests in it.

The expert reference group had the opportunity to thoroughly engage during the policy development process, provide information and views, provide expertise. We came to that decision about what model. My understanding is a decision was made on a preferred model, but then we had another stage of somewhat arms-length assessment provided and that was an interesting choice. It would not necessarily be my preferred choice for that arms-length assessment, but it sounds like it was undertaken in good faith and with thoroughness. The ministerial advisory group put together, made up of people who had no vested interests in the outcome, were tasked with reassessing the four clear options that could have been contemplated. The advisory group was provided with extensive information and undertook a

thorough analysis of the options. From the discussion we had in our briefing with members of the ministerial advisory group, they were asked to take into consideration the small scale of Tasmania, the relatively small scale of our waste and recycling industries and those downstream processing and export matters, the local business and services matters. They looked at the evidence provided to them and their assessment of what provided the best balance, the opportunity for our market and would drive the best outcomes at the lowest cost.

That sounded quite a comprehensive process and they squarely landed in support of the split governance model. I found that to be convincing hearing about that process and the arms-length assessment made by people who were not in a position to benefit financially and then have a vested interest. I was reassured by that.

Without going extensively into those pros and cons as others already have, the reassurance hearing about that process came about because they are across what led us to that. Then a final stage of arms-length reassessment provided a robust and defensible pathway to the decision of a split governance model.

I find that split governance model quite appealing and reassuring in itself because it has in-built accountability. We have heard about that already where the scheme coordinator incentivises to keep costs low. The network operator is incentivising to ensure maximum containers are returned. There is balance between those two roles being involved at the governance level. That has a lot of in-built appeal as an effective model for our state.

We were able to look toward New South Wales, then Victoria and ACT are bringing it online. In New South Wales and others where decision-making has obviously already occurred as to the best options for those jurisdictions, they have made some similar decisions. That is not to say we should always follow other jurisdictions. We must always look at our unique circumstances here in this state and make our assessments. Looking at the process followed, I feel relatively confident about these steps taken to arrive at this decision.

I am reassured by some of the other material and information provided about the sorts of discussions that have been engaged with, say, the small beverage producers in this state and the efforts to look for measures to put in place to assist them not to be disadvantaged by this scheme to an unnecessary degree.

There are probably more conversations to be had and there are some other implementation matters which will no doubt need to be tackled. The anticipated 12-month implementation period seems to be sound, reasonable and responsible. Especially, as we gather through the briefings, New South Wales with a short four-month implementation period ran into some troubles in the early days after implementation because of that slightly rushed period.

It sounds like we are taking a responsible approach. No doubt some of those other matters across that implementation time can be ironed out, although we will be wanting to watch carefully and hear from people who are involved as to how they see that developing over time.

I am not convinced of the need for an inquiry at this time. I will hear arguments put if one is moved for. I do not know an inquiry by the parliament will do more than rehash. There is potentially value in that, because what a parliamentary mechanism like an inquiry provides, is it is a very public, on-the-record, transparent and accountable way for a matter to be looked at and assessed. Anyone can engage with it and come forward to participate in a parliamentary

inquiry process through submissions, hearings and the like. It all becomes a matter of public record and our parliament, as the ultimate decision-makers on a piece of legislation, are drivers of the process, rather than the political drivers of say a policy development. The policy development that has happened to date.

I do not discount the value of a potential inquiry and will always listen to arguments put for the need or the value of having one. In this case I am not yet convinced. On the balance of things right now, I would be happy to support this bill through to the next Committee stage, for it to be considered. I understand there may potentially be amendments. I will be very interested to engage with those if there are some. That is my brief contribution and I thank other members for the more extensive contributions made and I am looking forward to the summing up, to hear the answers to some of the very good questions put during those contributions.

[5.27 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I am going to speak from here because I need to keep my laptop plugged in, otherwise it will go to sleep on me. I want to put on the record that Labor in Tasmania and I, personally, support a container refund scheme. There is no question about that. I want to be very clear about that because we have been accused of all sorts of things in the lead-up to this debate and want to get that on record from the outset. However, we do have some concerns about whether we are getting this right, with this particular bill, and think there is merit in further scrutiny.

I will be proposing scrutiny take place with Government Administration Committee A and will come to that shortly. The reason is it is important to get this right. We only need to look at South Australia where they have had a successful scheme operating for more than 40 years now. This is the scheme we will have operating in Tasmania for decades to come.

I want to speak about the consultation process I have been through in preparing for this debate and considering this bill. I started that process by meeting with advocates for the model the Government has adopted with this bill, the split responsibility model. I will be honest. I met with them and heard their arguments. Their arguments were compelling, they were convincing and I walked away from that meeting thinking, okay yes, I am confident we have got it right with this bill. That makes a lot of sense. However, I then went and met with advocates for the producer responsibility model, who are advocating for the model that has not been adopted here and I found that their arguments were equally compelling. I was equally convinced by their arguments. In fact, what baffled me was that both sides of this debate have been making very similar arguments about similar aspects of the scheme.

The difficulty with that is I found myself in a position where I had no real way to determine what the best answer is, where the best fit for Tasmania lies. That is partly because of lack of evidence we have to look at, partly to do with length of time schemes have been operating around the country, partly to do with resources, but I had no way to get to the bottom of which scheme I would support.

We did have some briefings yesterday and I thank the Leader for organising those briefings. It was mentioned in one of those briefings yesterday that there has been some misinformation in this debate and it is really important that we acknowledge that. Like the member for Launceston, I have been accused of all sorts of things - drinking the Kool-Aid, working with Coca-Cola -

**Ms Armitage** - You're a Kool-Aid girl.

**Ms LOVELL** - Yes, maybe.

**Mr Willie** - Sharing the Coca-Cola.

**Ms LOVELL** - Yes, Kool-Aid mixed in Coca-Cola. Trying to delay the bill, trying to kill the scheme, trying to stop Tasmania from getting this scheme that is very broadly supported. I want to put on record that that could not be further from the truth.

I want to be very clear - I am not advocating for either scheme design at this stage. What I am advocating for is that the parliament and the Legislative Council are given the opportunity to properly explore all of the arguments, all of the evidence and ensure that we are getting it right - an opportunity for both sides to put their case on the table.

I know there are members in the Chamber who are very comfortable with the design that the Government has adopted here in this bill. That does not mean that those members want to bring the beverage industry to their knees. In the same way as I am saying I am not yet convinced either way, it does not mean that I am trying to prevent the introduction or delay the introduction of the scheme because I am in bed with Coca-Cola.

**Ms Forrest** - Or drinking Kool-Aid.

**Ms LOVELL** - Or drinking Kool-Aid, indeed; perhaps at the same time; who knows.

I acknowledge the extensive work that has been undertaken on this by the department. I am not questioning the work that they have done or the veracity of the work they have done but I acknowledge that the work that has been done has taken into account primary objectives from a policy perspective and those primary objectives were to increase recycling rates and reduce litter. That is okay. They are honourable objectives to have. The question for this Chamber now is whether we agree that those are the objectives that we see as most important and as the primary objectives. My personal view is that it would be more responsible for us to look at this with a more holistic lens.

Yes, absolutely, increasing recycling rates and reducing litter has to be up at the top of those objectives. Equally, it would be irresponsible of us not to consider the impact that this scheme will have on jobs, the job creation opportunities that might be there, the opportunities for the community sector to be involved in the scheme and the participation that they can have.

I mentioned before that we were able to have some briefings yesterday but I know that I am not the only one in the Chamber - and others have mentioned this already - who feel that the time we were able to have for briefings on this bill was far from adequate. It was disappointing, as we saw with the TAFE bill, groups that wanted to brief the Legislative Council were denied that opportunity because of a lack of time.

**Mrs Hiscutt** - It is up to members to do a lot of their homework when it comes to briefings.

**Ms LOVELL** - I can understand that.

**Mrs Hiscutt** - I can only facilitate a certain amount.

**Ms LOVELL** - Fine and I will come to that.

**Ms Forrest** - You also need enough hours in the day to do that.

**Ms LOVELL** - Yes, I will come to that. That was disappointing. I appreciate - and this is by no way a criticism of the Leader because I know that there are only so many hours in the day and I know there are often a great number of groups that would like to brief us. However, when we are being asked to consider an important piece of legislation like this, it is really important that we have all of the information on the table. A 15-minute briefing is really not the way to do that.

I question this idea that we are able to allocate equal time to people who are for and against a bill because it is not unusual for us to have a situation where you might have five people in support of a bill and 50 people against it. Do you allocate equal time to those groups then? Or, if somebody is not necessarily opposed to a bill but they would like to see some amendments to the bill, where do they fit?

**Mrs Hiscutt** - I am quite happy not to have any briefings, if that is what you are asking.

**Ms LOVELL** - You can try that if you like, Leader, and we can see how that goes. I do appreciate, as I mentioned on the debate about the TAFE bill, that it is the responsibility of all of us to undertake our own consultation, as many of us have done. Again, there are only so many hours in the day.

The time frame between this bill being tabled in the lower House to it being debated today was very busy for all of us, taken up with lengthy periods of time here in the parliament. We all have committee work that we are undertaking. We all have electorate work. It is very difficult for those groups that wish to brief us when they are trying to coordinate 15 different diaries if they are not able to brief us as a group. I wanted to put that on record. It was very difficult to really get a good understanding of those different perspectives when we were given such short - I will not say we were given - when we only had such a short amount of time to spend on it, particularly when that was so close to the debate taking place, with not a lot of free time in between to consider that information.

It has been really difficult to assess the information that has been presented by people advocating for both schemes. Comparisons of schemes, different return rates, different job creation rates. The fact that different states, under different governments, have adopted different models is indicative that this is complex and that there is no really clear answer. We have been lobbied. I know I have been lobbied. As soon as I make comment that I would like to see this go to an inquiry for further scrutiny, like the member for Launceston, I was quite taken aback at how quickly the lobbying snapped into action.

I have had petitions targeting me; a couple of petitions. I have received emails through those petitions and by the way, this is fine. I am more than happy to receive correspondence from all over the state, all over the country and some from different parts of the world. I probably did not spend quite as much time responding to those ones as I did to those here in Tasmania but I am very happy to receive correspondence from anyone, but I was taken aback at the level of lobbying that took place and how quickly that happened. Like the member for

Launceston, that gave me pause for thought to stop and think about why that was happening and why it was so -

**Ms Armitage** - Vitriolic?

**Ms LOVELL** - Well, yes, some of it was vitriolic and it was misleading. There was a lot of misleading information. The petitions that were created online contained misleading information. Nonetheless, I can live with that.

No doubt there is widespread community support for a container refund scheme. Nobody is questioning that. We have heard the statistics about the surveys that have been done in that regard. I do not believe that there has really been any level of discussion or indeed, any level of awareness in those broad community support surveys regarding the different scheme designs. From many of the groups that we have heard from directly - and I am not going to read those because other members have done that - what I found in those submissions that were put to us is that what most of those groups were looking for was an opportunity to participate in a scheme. There was not a lot of information or a lot of detail or a lot of questions about which scheme was best.

The primary concern from most people, certainly most people I have heard from, is whether they will have a scheme that they can participate in and whether they will be able to participate as a community organisation. We know both designs would allow that to happen in a very similar way. In fact, in the briefing yesterday, Tim Gardner - I have lost my piece of paper where I had his comment written down, but he said that what the ministerial advisory group found was that there was no material difference in either scheme model in terms of community sector participation or job creation. I believe that the primary concern for members of the community and community organisations can be met by either scheme design equally, or very close to equally.

We have heard arguments put forward that the most successful scheme will be an accessible and convenient scheme. The most accessible and convenient scheme will be the most successful scheme for Tasmania and I absolutely agree with that. The question is whether one scheme design is going to be more likely to deliver that level of convenience and accessibility than the other and again, this question for me remains unanswered.

We have had a number of submissions and the member for Launceston read a lot of these into *Hansard* and other members have talked about them as well. We have had submissions from Boag's, from Cascade, from the Tasmanian Small Business Council, from Self Help Workplace. One that might not have been mentioned yet is Mark Jessop, the CEO of Nexus, an organisation that supports people living with disability.

**Ms Armitage** - I did not read Cascade's either.

**Ms LOVELL** - Okay. We have had one from Cascade. Nexus supports people living with disability and the submission from Mark Jessop outlined how they are hoping to be able to work with a container refund scheme to create employment opportunities for the Tasmanians who they work with. So, there is broad support and there are a number of community organisations that want to be involved in a refund scheme.

Another thing that has struck me a little in this debate and a point that I wanted to touch on, and I do not know if other members have found this in their correspondence and their consultation, is that I have detected sometimes an undertone - and sometimes it has been made pretty blatant - an idea that big beverage is out to kill the scheme. Big beverage do not want any refunds. They do not want any recycling to happen. Their motivation is to get rid of this idea and never have it happen. This idea that for some reason the recycling companies, the companies that are advocating a split responsibility model, are doing so out of the goodness of their heart, out of some kind altruistic purpose. Let us be really clear. There is money to be made in these schemes. There is money to be made in either scheme, and there is nothing wrong with that. I am not criticising those companies. We live in a society where people are encouraged to look for ways to operate sustainable, profitable businesses and in doing so, are able to support their community through providing employment and through other involvement in community organisations. We need to be really honest about it.

The New South Wales scheme, Exchange for Change, is the split responsibility model that our bill is based on. In their annual report it outlines that Exchange for Change paid out over \$166 million in refunds to customers. This is to consumers who have returned their bottles and their containers and got their 10-cent refund. An amount of \$166 million went back into the community through that scheme.

**Mr Valentine** - Where was that?

**Ms LOVELL** - That was in New South Wales. However, they also paid out over \$158 million in network operator fees.

**Ms Forrest** - That is a question I had.

**Ms LOVELL** - Yes, there is money in this industry. There is nothing wrong with that but let us be honest about it. Let us not get this idea that recycling companies are above beverage companies in their desire to operate ethically in the community.

**Ms Forrest** - We should be talking about reducing container use all up, which is what I have mentioned.

**Ms LOVELL** - That is right. That is a point that has been raised with me, member for Murchison, and one that I wanted to raise as well.

We talk about the primary objectives of this scheme being about increasing recycling rates and reducing litter but where is the incentive to get containers out of the environment in the first place? If we are looking at a scheme that provides a profit to the companies that are collecting these containers, surely it is in their interest for there to be more containers. More containers to collect means more money coming to them through the scheme. So, where is the incentive to reduce waste, to reduce the production of the containers in the first place or to look at refillable containers? To look at alternatives that are not just about increasing recycling and returning the containers and having an honourable objective, as I said. We should all be aiming towards that but let us look at taking that a step further and look at ways to incentivise reducing the production of waste in the first place.

**Mr Valentine** - You can do that as well.

**Ms Lovell** - Or as well, indeed.

I was interested to hear from the member for Murchison about her experience in trying to get a briefing prior to the briefings that were organised for us at the Legislative Council prior to this debate taking place. I had a similar offer from the minister, which I appreciated. He took me aside. It was on Remembrance Day, so it was on 11 November. I remember that because we were out in the car park after the service. He offered me the opportunity to sit down with his advisory group to ask the questions that I have, to try to get to the bottom of what the concerns were so that we could progress with this bill. I thanked the minister for his offer. I said that I thought that was a sensible way forward, a sensible first step. I said I did not think I could give him any guarantee in regard to what the outcome might be. Perhaps our concerns were more on a policy basis than concerns about the scheme that had been adopted. But, I was happy to sit down with him.

Imagine my disappointment when not long after we had that conversation in the car park and what I felt was a genuine offer from the minister to work together on this, I saw a media release. Before I could come back to the minister with times that might be suitable for me and other members to come as well - I had gone away to find out if other members were interested in that opportunity as he had offered that. The media release was highly political. I will read one passage from it, because it made me question whether the minister's seemingly genuine offer was genuine. What he stated in his media release was:

Labor's plan to send the bill to an inquiry will only delay the roll-out of a scheme unnecessarily or kill the Bill entirely.

**Mrs Hiscutt** - That is what was said in the other place.

**Ms LOVELL** - This was about the debate that happened in the lower place the day before, I believe it was, or maybe two days before.

**Ms Forrest** - You said the lower place. I was not disagreeing with you.

**Ms LOVELL** - Sorry, the other place.

Tasmanians are not paying Ms White to outsource her job to the Legislative Council. Labor had the perfect opportunity to debate the bill in full yesterday but could not seem to organise themselves. It was clear Labor had not done their homework.

I don't know if anyone has gone back and looked at the debate or read the *Hansard* or witnessed any of that. What happened in that debate was that the Leader of the Opposition, Rebecca White, asked a number of questions about this scheme design. Members may have seen them come back to us with some responses from other organisations but this idea that establishing a committee of inquiry or referring a bill to a government admin committee in the Legislative Council is in some way outsourcing the job of the lower House to the Legislative Council is an interesting one. It is not one I agree with. I am sure other members would agree that it is equally our role in this Chamber to scrutinise legislation as it is in the other place.

I responded to the minister via email, thanked him for his offer, outlined my concerns about the media release and whether or not the offer was genuine. I suggested that perhaps a



better way forward would be for him to organise the briefing with the ministerial advisory council as a Legislative Council briefing and that I would be happy to attend as normal with my Legislative Council colleagues. So, that I suppose, is what led us to what was scheduled to be a 15-minute briefing yesterday morning. Extended as it turns out, which was also interesting.

I will be moving to send this to Government Administration Committee A for further scrutiny through a short inquiry. I believe it can be done in a short inquiry. I do not envisage that this is something that would take a lengthy period of time to address. It is up to members to decide whether they too think that that would be a benefit. I know people have different views and that is entirely appropriate. If the motion to send the bill to Committee A is not successful, then I have some amendments being prepared for when we move into the Committee stage.

However, as we talked about in the earlier debate we had today on the TAFE bill, again my concern is that we are scrambling to fix concerns in a very short time frame. It is 5.50 p.m. on the very last sitting day of the parliamentary year and we are scrambling to fix concerns because we have been put under time pressure that is not of our making. Let us be really clear about this. It is not our decision to bring this bill to debate in the Legislative Council on the very last day of the parliamentary year.

So, yes, this scheme is important. Yes, this bill is important. But as members have pointed out, we have waited decades for this. A scheme will not be in place until the end of 2022 at the earliest, that is if the Government meets the time lines.

I question whether a few months is worth it to make sure we are getting the absolute best out of this scheme for Tasmania. If that is not supported and we move into the Committee stage, I have some amendments. They will be debated. We will move through that process as normal. Then the question of the third reading is before us. For this bill to go anywhere from today we would need to agree to suspend Standing Orders for that third reading to happen later tonight. Goodness knows what time that might be. Presuming the Leader did that, there would be a further debate for this Chamber and a decision would need to be made about whether members felt that they could agree to the third reading without having had time to properly consider the amendments that would be debated just prior to it.

Look at the time now - 5:50 p.m. The process that I need to go through now for members' benefit is a little unorthodox, but it is the process we need to follow. We currently have a question before the Chair that this bill be read for the second time. I cannot move a motion while there is a question before the Chair. I intend to move that the debate stand adjourned for the purpose of allowing me to move that motion, to send the bill to Committee A for further scrutiny.

I am aware that this mean that the Leader has not had a chance to respond to questions and concerns that were raised through second reading contributions. I understand that puts members into a somewhat awkward position. I am sure that, should members support this motion, the Leader would be able, and hopefully willing, to respond to those questions and concerns in writing or in another way outside the Chamber, so that they can progress. Indeed, I would expect that an inquiry would be able to consider many of those questions and concerns.

If we proceed with the debate today, I am concerned we will be scrambling to address the concerns that have been raised. I have at least three amendments to put should we proceed in the Committee stage; other members may have more. We will also then be required to suspend Standing Orders for a third reading if the bill is to progress beyond today. In my view that is not a good way to introduce legislative change. On that note, I will move that the debate stand adjourned.

Mr President, I move -

That the debate stand adjourned.

**Ms FORREST** (Murchison) - On the question of debate stand adjourned, if this is the only way we can do it without going to a Committee of the Whole, then I will support the adjournment.

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - I understand the question before the House. Therefore, I will not go into reasons talking about whether it should go to a committee. The Government has been working on this bill for a long time. We feel we have settled in a good place. We are sure the community wants this. Figures of over 90 per cent are looking forward to this bill. I ask members not to agree to this adjournment, but to move on with the bill.

**Mr GAFFNEY** (Mersey) - I hear what the Leader is saying but I support the member in this instance to be able to put forward that process. The questions that have been asked can still be answered at another time and place; they are not going to go away. They will either come through the inquiry process or at a later date. Any member in this place that requests a way forward to offer a debate should be supported. I do support the right to ask for an inquiry.

**Mr PRESIDENT** - The question is that the debate stand adjourned.

**The Council divided -**

**AYES 9**

Ms Armitage  
Ms Forrest  
Mr Gaffney (Teller)  
Ms Lovell  
Ms Rattray  
Dr Seidel  
Mr Valentine  
Ms Webb  
Mr Willie

**NOES 3**

Mr Duigan (Teller)  
Mrs Hiscutt  
Ms Palmer

**PAIRS**

Ms Siejka

Ms Howlett

**Motion agreed to.**

## MOTION

### **Refer Bill to Legislative Council Sessional Government Administration Committee A - Motion Negatived**

**Ms LOVELL** (Rumney) (by leave) - Mr President, I move -

That the Container Refund Scheme Bill 2021 (No. 54) be referred to Government Administration Committee A for consideration and report.

Members, I have spoken about why I believe this would be beneficial. I believe there are still a number of unanswered questions. In light of the timing of this debate and how it would need to proceed without pre-empting questions that may, or may not, be put to the Chamber, I ask members to think through what that might mean; what would need to happen for this bill to proceed; whether members would support that; and if not, what that would mean in terms of time frames that we are dealing with and whether there is an opportunity for some time to be spent on ensuring that all of those questions are answered. Both sides of this debate should have a chance to put their case on the table and have that examined properly in a way that is not only thorough - I am sure there has been work done that has been thorough - but that is on the record, that is transparent, and that is open to the public.

I understand that there are members in the Chamber who are comfortable with the scheme design that has been landed on by the Government. I respect that but I would ask those members to consider supporting this motion to enable those of us who are not yet comfortable to reach a point where we can have confidence in the scheme and ensure that we are getting the best that we can for Tasmania. As a number of us have acknowledged, this is the scheme that we will have operating in our state for decades to come.

It is important that we get it right not only in recycling and reducing litter but in the other benefits that a scheme like this can offer to our state. I ask members to support the motion.

[6.01 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have not quite as many answers here as with the last bill but there are a significant number of answers and it would be nice to get them on the table. It is really disappointing to hear the proposal to send this bill to an inquiry.

Our proposed scheme will ensure every Tasmanian can get a refund for their containers, provide opportunities for community groups and charities, reduce litter and maximise the number of containers returned and recycled. We know this because we have undertaken extensive consultation with stakeholders and the wider community and have sought advice from an expert reference group made up of organisations and individuals with diverse sectoral expertise and knowledge. We are confident that our scheme would deliver the best deal for Tasmania and that it is supported by the broader Tasmanian public.

I cannot understand why or what more an inquiry will do except analyse all the material the department has already reviewed. It is a waste of time. This bill does not need to go into an inquiry. This Government has done its homework and we are confident that this scheme will deliver the best outcomes for all Tasmanians. I reiterate the extensive consultation process that has already been outlined to reassure members that the work has already been done.

A report by Marsden Jacob in April 2018 considered a wide range of issues in relation to the Tasmanian CRS and it has informed the Government's policymaking. However, the New South Wales CRS has only just started and there was no way to judge if a split responsibility approach was working.

We now know that the New South Wales scheme has worked well and that costs have been relatively low. The Department of Primary Industries, Parks, Water and Environment has built on this work. An expert reference group was convened earlier last year to provide advice to the project team.

The expert reference group, made up of a wide diversity of organisations and individuals with container refund scheme expertise and knowledge, provided extensive advice on policy and operational issues. The group provided feedback on an issues paper prepared by the department and participated in group and one-on-one sessions with the department.

In August last year the minister appointed the Waste and Resource Recovery Ministerial Advisory Group to advise the Government on matters relating to waste management and resource recovery in Tasmania. We know that that group consists of Tasmanian Government, local government, resource and recovery sector and industry stakeholders. We know that they are an expert group. While not originally set up for this purpose, one of the things the group was asked to do was to interrogate the advice that had been provided from the department on the CRS governance arrangements.

They pulled it apart. They interrogated it and they came back to the minister with their own recommendations which ultimately aligned with the recommendations of the department. There was a five-week public consultation period on the draft bill which closed in July of this year to provide the community with an opportunity to comment on the draft bill.

Along with the draft bill, an explanatory paper and a regulatory impact statement were made available on the DPIPWE website for public review. Officers from the department conducted webinars with the general public, local government and targeted stakeholder groups to discuss the impact of the bill. A short online survey was available, as we know. We have heard these things.

The department has drawn on the experiences of other states and engaged heavily with other jurisdictions who have implemented a scheme seeking information and advice. They have comprehensively analysed, modelled and consulted on various governance options and scheme designs. It is clear that the process to get to where we are has been extensive and thorough, and that there have been multiple opportunities for stakeholders and the public to provide feedback along the way. It is clear that we do not need an inquiry to redo this work and tell us what we already know. I urge members to vote no to moving this off to a committee. We have the bill before us and we need to get this done.

[6.06 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, we have had as much lobbying on this one as we have on probably much more complex bills. We have heard from all sides of the debate. We have one side of the debate claiming X, we have the other side claiming Y. There is that tension. If we go to a committee we are going to get exactly the same thing, to be quite honest. That is my opinion. I know that the people in my electorate are very supportive of the container refund scheme. I do not claim to know 100 per cent of every aspect of the scheme, but what I

have been presented with I have analysed and put my mind to it. I believe that the split system is the best system. I am comfortable with going forward with the debate on the bill. I will not be supporting the inquiry.

[6.07 p.m.]

**Ms PALMER** (Rosevears) - Mr President, obviously I do not support this. Ultimately the objectives of this scheme, which have been stated repeatedly, particularly by the member for Hobart, are to reduce litter and to do a better job with recovery and recycling of containers. That is the whole point of this. If we can have cream on the cake, that is fantastic. This is the cake, this is what it is actually all about. We do not need an inquiry for this bill. That has been stated during the briefing. It is the normal process to scrutinise the Government's legislation, to ask the Government questions and for the Government to respond. The Leader has already said she has a wad of papers here with answers to the questions that have been put to the Floor. Unfortunately, if we go straight into an inquiry we miss that opportunity for those questions to be answered.

What does this delay actually mean? Tasmanians have told the Government that they want a container refund scheme. There is no debating that from anyone here in this place. This Government has made a commitment to deliver a scheme by 2022. I gave a special interest speech in this place some months ago after visiting primary schools where they had a project, 'If I was premier for the day'. Even our kids are saying get rid of the litter. Even our children are saying to us, as the older generation, do something. We are already lagging behind. We are so far behind. Other states are well ahead of us. It is shameful, it is awful. Tasmania should be at the front of this. We are already behind, now we want to take an even longer time to get this thing happening. It is really disappointing.

The member for Mersey in his response to the second reading speech read an email from Trish Haeusler. Trish is from Plastic Free Launceston, a fantastic, most dynamic woman who works in this space on the ground day in, day out. She walks around the businesses of Launceston and other areas talking about this exact issue. She has said please support the split model scheme and let us get this going. The community has waited long enough.

That is what I believe has happened. We have waited long enough, why do we have to wait any further? The Leader has clearly stated all the inquiries, all the expertise, all the research that has been done. What is going to come out that has not already been looked at and examined? It is a shame Tasmania could be even further behind than we are now. Looking at what it is actually going to cost us, we know there are 190 million drink containers that end up in landfill in Tasmania. A huge number of them end up in our parks, rivers and our beaches. Plastic Free Launceston works so hard to clean up our riverways and the member for Mersey spoke about that. A container refund scheme operating at 50 per cent redemption rate for six months could result in 40 million containers being kept out of landfill. That is what we are going to miss out on. How many millions have we already missed out on over decades of delay to have a container refund scheme? Now we are going to make it even worse.

On top of this, the beverage industry stands to save \$9 million by a delay to this scheme of six months. That is \$1.5 million for every month the Tasmanian CRS is delayed. I will tell you where those figures come from - this analysis is derived from modelling contained in consultants RDS Partners' report on the Tasmanian beverage industry, commissioned by DPIPWE, and the Marsden Jacob report on a Tasmanian CRS in 2018. It would be a big win, wouldn't it? Big win for the beverage industry, but what about our children? We have the

perfect opportunity now to debate the legislation right here and now. The Leader has the answers to the questions. She has already stated that and any concerns other members may have had. We have an opportunity to push through this and to deliver on a container refund scheme for Tasmania. I am going to say the same thing that Trish had to say: Get on with it.

[6.12 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I am really pleased with the member for Rosevear's last speech because she used two quotes from me, somebody was listening to me. That does not happen that often and it feels good, so I thank her for that. I think either scheme could work. They are in the state, so I am not overly fussed with that side of it. I think the split model is a better model. That is the one I am getting behind and supporting.

I am not worried about coming last or because South Australia have been there for 40 years. That side of it does not worry me. I am worried about what happens when it goes to committee and the committee comes back with recommendations. What do we do with those recommendations? We table that report, we say it in here, the Government gets it and then the Government decides if it is going to work with those recommendations or not. In four months time the Government is going to say, 'Nice report. Nice recommendations.' We will come back here and we will be in the same space we are at the moment. I know from recent debates in this place that the Government is not going to change its mind on where it is. It does not do that very well. I am surprised at some of the positions we have had put forward today that we have not been able to have on other days in recent times. Whilst I would always support a member requesting this go to committee, that is right and proper, I am not going to be supporting it. I have made that clear. I am comfortable with the work that has been done and that the split model will work in Tasmania. In light of that I am not going to support the request for it to go to committee.

[6.14 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, it is quite unfortunate we need to have this conversation at this hour of the night on the last day, but it is what it is. That is a famous quote these days. And so, we have to deal with it. In my contribution I supported the adjournment to have this conversation and to have this debate.

**Ms Forrest** - As you should.

**Ms RATTRAY** - That is really important, as we should. That was my reason for getting over that side at this time because, as I said to the member for Windermere, this is where you get to actually articulate the reasons why you have a position on something, not on the adjournment.

I have listened very carefully to what has been presented today and yesterday in the briefings. I said in my earlier contribution after the briefings yesterday, even though we had some different opinions about what model, I felt quite comfortable with where we and the Government landed and where I had decided we needed to move forward. I am very mindful of the fact we have been talking about this for so long. Is it the exact right model? We were told they are both very similar.

I am well aware from the debates over previous days that the Government has made a position here and it will not change its position, committee or not. At this point in time, I am

inclined not to support the committee and am interested to hear how other members feel about whether they feel they need a committee.

At times we have said if a member is not comfortable with a position or with their information they have - we have mountains of information - it is really a policy position here, one way or the other.

I will continue to listen, but I am leaning towards no support for the committee.

[6.16 p.m.]

**Ms WEBB** (Nelson) - Mr President, I spoke a few comments about a committee proposal. In the first instance in considering whether anything should be sent to a committee, it is immaterial for us to take into consideration how the Government might respond. That is not a consideration for us in determining whether or not to send something to a committee.

A committee is a parliamentary mechanism. It has clear reasons and a value that should be considered at times and we should base our decision on those. How the Government will respond is immaterial to that and to us doing our job. Consideration of a committee in different circumstances, including this one, is about: does this allow us to do our job in a way we believe is necessary? That is my first point. I certainly will not be considering having it as a factor in my consideration of how the Government would respond to a committee on this matter.

What is the value of a committee? When we are thinking about this and my decision about whether to support this or not, what is the value and purpose of a committee for us in doing our job? I am going to talk about four things that are about the value and purpose of a committee related to this instance.

One reason for us to hold a committee of inquiry is if we had a lack of clarity on the origin and the development of this policy that sits behind this bill. If we had a lack of clarity about where it has come from, why it has come and what it is really about, that would be a good reason to hold a committee of inquiry because then we could interrogate that on the record through a parliamentary mechanism and give due consideration where all people could have a say. That would be one reason. That does not apply in this instance. There is clarity on where the policy has come from. There has been some clarity in the steps tracked through the development of that policy to this point. Whether or not you agree with it, you can track it.

The second reason regarding the value of a committee is if there has been a lack of evidence base presented to support the policy and the bill derived from the policy. Are there consequential questions, gaps and doubt that this is the evidence-based, right way forward that can be, and has been, defended in this place? If we felt there was a lack in the evidence base, that it has not been presented and defended already in this place, then we might consider a committee of inquiry very important. It would allow parliamentary clarity through that mechanism of inquiry to draw in and make visible and public the evidence base, to interrogate it, to have the Government defend it and to get it on the public record. That would be a good reason to have a committee.

In this instance, I do not feel that is the case. There is a clear evidence base that has been presented. I agree with the member for Mersey: it is not that there is not an evidence base for other models, we can see the evidence base for this one. We can see where the decision has come from to land here through an evidence base that has been presented, that is available in

the public domain, that has been defended. So, I do not think that is a reason not to support this committee.

The third reason that I would consider a committee as being appropriate is if it were to provide a vehicle for members of our community, constituents and groups who find it hard to have a voice, find it hard to be heard in policy and legislative processes and perhaps have missed out on being heard in the process of policy development and legislative developments that arise in the bill. We know that some people find it easier to be heard and to be influential in policy development and legislative development processes. Some have access and can be heard, others cannot or find it harder.

Considering a committee of inquiry, we may think that would provide our parliamentary mechanism on the public record, to provide an avenue for voices who might not otherwise be heard and who can be actively considered equally as part of this process by us doing our jobs. That is a good reason to have a committee, and if it applied it would be important for us to consider that. I do not think that one applies in this instance either.

Most parties that have identified an interest or that we might think may have an interest have had, at different times, an opportunity to put their views forward. Those with an interest that are large and consequential businesses and industries and those represented by peak groups, they have all had a very thorough go through the different stages of this policy and legislative development. I do not see those unheard voices out there on this who we may feel the need to represent and bring forth in a committee of inquiry process. I do not see that as a reason for this inquiry.

The fourth reason that I think we would consider whether it is appropriate and desirable to have a committee of inquiry on legislation put before us is if that legislation had had in its development and in its presentation here clear, demonstrated concerns about significant consequence for our community. If those had been put to us during the process of this development while it was presented here, if clearly articulated, demonstrated concerns for our community had been put on the record here for consideration and we were to think to do our job properly we must give this more visibility and consideration, we must address these clear concerns that have not been answered, that would be a reason for us to consider a committee of inquiry.

In this case, on this bill, I have not heard articulated clear significant concerns for the consequences in our community posed by this bill. I have heard different opinions. I have heard different interests to be considered. I have not heard anything about harm, that risks our community in this bill. I have not heard anything about significant, detrimental financial consequences for our community from this bill. Different ones, but not of significance.

So, I do not believe that is a reason to consider our committee for this bill. Those are my four top considerations when I am thinking about a committee of inquiry. I do not know what others have in their minds when they are thinking about whether it is part of their job to send a bill to a committee of inquiry. But those are mine. On this bill, I do not think we have met the test for why a committee is needed. I am interested to see how others make that assessment.

[6.25 p.m.]

**Ms FORREST** (Murchison) - Mr President, I want to start by saying that it was poor form of the Government to seek to know the option for us having this debate. Every member



of this Council has a right to put forward a proposal, whether it be an amendment, whether it be to adjourn because they are testing the Floor. I was disappointed that the Government spoke against that. That said, they were outnumbered on that occasion and here we are.

I found it somewhat disappointing that the member for Rumney in her contribution was referring to the media release that the minister put out after her conversation with him, claiming that such a move would be outsourcing the work to the Legislative Council. That is also very poor form.

As the member for Nelson rightly identified, there are processes and committees that are in this parliament and in our House with the very purpose to scrutinise things fully, whether it be a bill, or another part of government activity - through GBEs or budget Estimates. That is what we do. That is part of the role here. That is why some of us have been so busy the last few weeks.

It is not just being in here or the committee work. That is what I was trying to understand and get time to read. As I have said, the last three bills we have dealt with have been highly contentious. This one might not be contentious but it is certainly contested. So, it takes time to read and make sense of all the information that you get. As I said in my second reading contribution, at times I was not sure which side I was talking to because it is so full of vested interests. This has this massive overlay of vested interests.

Our job is to try to sieve through that. If I had 65 hours in a day and 10 days in a week, I may have had time to fit it all in. Either way, I make it very clear, I will not support this bill being rammed through. I absolutely will not.

Even if it gets through and has a second reading and gets to the Committee stage, and the motion to refer it to a committee is lost, I have no desire - and I do not think many other members here, on the last day of the year, through no fault of our own with this being the bill that has got to here - to sit until after midnight. That is what it will be, by the time we get through the Committee stage and there are amendments to be debated.

It is absolutely poor process. Even if we do get to that point, if the intention was made clear if the bill was to be supported, the minister can still get on and do some of the preparation and planning work around that. But it does give members time to be sure on the third reading that all the boxes have been ticked and the matters can be followed up. I am putting it out there at the outset.

I am pleased that the member for Launceston had such good access to the minister who always rang back, followed up and caught up. I might have had a fuller schedule but I did make myself available at different times but got no response to the times that I offered. They were the only times which meant that I did not have lunchbreaks a lot of the time because my diary was so full. That is fine; I can cope with that.

The member for Launceston provided a very long and detailed contribution looking at both sides and talked extensively about her experiences in Western Australia when she was over there and finished up by saying that she felt that there was merit in an inquiry because she felt that the Western Australia model was better. In spite of all the evidence that she sought -

**Ms Armitage** - It appeared better but obviously -

**Ms FORREST** - Yes. I am saying, in spite of all of the evidence that you put forward and you prosecuted both sides, there was still a degree of 'I am not sure this is right'. I am not sure this is right but I do know for an absolute certainty, as the member for Rosevears said, people want a container deposit scheme, absolutely they do. They want it soon. Any model that is put in place will be here for a long time.

It is our job here to be sure that legislation we bring in is in the best interests of Tasmania, meeting the policy test. As the member for Rosevears said, the policy test is a reduction in littering and the Leader talked about that and increasing recycling. They were the only two policy positions that were really fully considered. As the member for Nelson talked about, the community benefit or disbenefit from particular models was not part of the picture as a policy position.

Possibly there are ways this bill could be improved in incorporating some of those more community-focused aspects as has occurred in some of the others and, I believe, also in the New South Wales model, focusing on return to the community and engagement in the community. That was not a policy position. According to that list that the member for Launceston circulated, New South Wales was just to reduce litter. It was Western Australia that had a range of other things - provide opportunities for social enterprise and benefits for community organisations and create opportunities for employment. The member for Launceston talked about that and I have asked some questions about that. I am confident the Leader will have answers. I was very proactive in providing those to her - the questions, at least; not the answers. After hearing her comments and her responses, there may be other amendments or other considerations that I want to give to the bill in the Committee stage.

I would be very concerned if we tried to push through the Committee stage tonight if this motion is not supported, without trying to fully consider the answers the Leader has given, without having the time and the interaction through the minister's office and with the ministerial advisory group that I have not had. Fifteen minutes in a briefing on the day, or day before, as it turned out, we were due to debate the bill is not, in my view, adequate. Other members can make their own assessment about that but I -

**Mr Duigan** - You did stand the minister up when he offered you a meeting. You did do that.

**Ms FORREST** - Do you want to talk about that again?

**Mr Duigan** - You did do that. I think you are being disingenuous.

**Ms FORREST** - For the record in case people only read this debate, Mr President, I had a meeting with Greg Farrell. It was my error - I did not put the meeting with the minister in my diary. My fault, fall on the sword, absolutely my mistake. I was meeting with Greg Farrell because that was the only time I had at 7 o'clock in the morning to meet with Mr Farrell to talk to him about the gaming bill. He was a key stakeholder in that, he deserved my time on that day. I had an early meeting with the minister as well.

Yes, I stood him up, I did not get there, but as soon as I realised that, because Jonathan Wood from the Leader's office rang me and said, 'Where are you?'. I felt like saying, 'It is actually none of your business'. I said, 'Why? Have you got a problem with where I might be?'

and he said, 'You are supposed to be here with the minister.' I said, 'Am I? Today? Really? Oh' and then I realised that I had made an error.

As soon as I finished my meeting with Mr Farrell I rang the minister as I walked back from my meeting which gave us 10 minutes on the phone, that was about the length of the walk I had. I covered with him the things I wanted to deal with in the meeting that was scheduled about access to the people I needed to get a full briefing on this bill. I am not going to go through all of that but to use that as a reason why you are condemning me is pretty poor form.

**Mr Duigan** - No. You are condemning the minister for not giving you time.

**Ms FORREST** - No, I am not.

**Mr PRESIDENT** - Order. We will not promote a quarrel, standing order 99(8).

**Ms FORREST** - I am not condemning the minister. I said I did not have the opportunity that I sought after making myself available a number of times. I am sure the member for Windermere has never missed a meeting in his life.

**Mr Duigan** - Never.

**Ms FORREST** - No, all power to you. You might have better control of your diary than I do. My diary is pretty horrific. I make a huge effort in this place and I spend a lot of time on all the bills, you might have noticed. I put in a lot of time in that Chair. All my lunchtimes are tied up in committee meetings and in committee rooms. I am tired and I do not think it is fair to suggest that because I did not end up with a meeting with the minister on one occasion that I should be held to account for that in a way that says that I should not be asking for those opportunities. I find that personally offensive. I will continue.

Back to what I was saying to the Leader. I will make the decision to vote on whether I support this or not after I have sat down. I say to the Leader that I will need time after we get all her answers to consider them. Now, if anyone else decides that is not a fair thing, I will have to suck it up and I will sit in that Chair for the rest of the night, however long that is. We will work our way through and we will come out with something at the end. I will oppose the third reading on a matter of process and principle. We have proper processes in this place that we should abide with. If that is overridden as well, we will have a bill in this place that looks nothing like it does now.

That will probably be okay. But I will not feel like I have done my job. If anyone asks me if things that do not work quite as well as they could have done, I will say, well, go and talk to the rest of the people here and the minister and his team in the Government. Our job is important, whether it is putting things through a committee, debating it in the second reading, then in the Committee stage, that is our job. Whether or not the Government would listen to a committee report, as the member for Nelson said, I could not agree more.

**Ms Webb** - That is immaterial.

**Ms FORREST** - It is immaterial. In fact, sometimes the Government does listen. It might not listen straightaway and you may not see the response or the recommendation that the

committee has put forward adopted immediately, but sometimes, when you have been here as long as the member for McIntyre and I have, you will sometimes see these things come through.

**Ms Webb** - And it is on the public record.

**Ms FORREST** - That is right, it is on the public record. We should never diminish in any way the work we do here. I will think about my vote on this, but I also can count. The matters I raised regarding progressing this bill on the last day of the year, when it is the Government that manages the business, not the rest of us in this place, I think we do need time to fully consider the Leader's responses. I understand they will be comprehensive and I really appreciate that. But it does not give us time if we try to ram it through now, on the last day, to fully consider those responses.

I ask the Leader, and other members too, to consider that. Yes, we waited 20 years for it. We do not need to ram it through at the last minute without proper and full scrutiny, as is our job to do, just so we might get three months ahead.

That is all it will be. We are back here in March, and that is not that far away, sadly. I will think about it, but I am disappointed at some of the comments that have been made.

**Mr PRESIDENT** - I will remind members of standing order 101, which is objection to words. We are normally fairly respectful in here, but that is there to protect members if they have an objection to words.

[6.40 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I thank members for their contributions. I have appreciated hearing from everyone. There are a couple of points I want to address. The Leader felt that we would miss an opportunity to have answers to the many questions that have been put on the table. As I already said, and I think the member for Rosevears raised this as well, that would only happen if the Leader chose not to share those answers with us in another way. If we are worried about getting answers to information there are plenty of ways that information can be shared.

The member for Hobart talked about how there had been much lobbying from either side and that we would get the same through an inquiry. I agree with that. That is why I wanted an inquiry to happen because I wanted there to be an opportunity for both sides to be able to lobby. Not only to lobby, but to have their case scrutinised and their evidence examined in a public on-the-record way. I would have liked to sit down and interrogate some of that evidence properly. I appreciate your point.

The member for Mersey and the member for McIntyre both raised concerns about the Government not changing its position and wondering what would happen with those recommendations. If that is the case, then that is a pretty sad indictment on the Government if it is not willing to listen to parliamentary process and recommendations that come out of the mechanisms we have available to us.

To the member for Murchison, the only response I wanted to make was that I heard, by way of interjection, a comment about the member being disingenuous in what she shared with us. I think that is unfair. I think she has been very up-front with us and very honest about the set of circumstances that led to the situation she has described. I do not think it is warranted to

say that you are being disingenuous when you have been completely honest and admitted to something that some people might try to gloss over because they feel embarrassed.

I can see where this is going and I have heard members' contributions and how they feel about sending this to an inquiry. I respect that. This was always a decision for members of this Chamber to make. I hope the minister, who has now left the Chamber, has witnessed and taken on board the toll the past few weeks has had on all of us and on our ability to scrutinise legislation properly. I hope he takes that into consideration when he thinks about exactly how urgent this is tonight.

**Motion negatived.**

## **CONTAINER REFUND SCHEME BILL 2021 (No. 54)**

### **Second Reading**

**Resumed from above (page 94).**

[6.44p.m.]

**Ms LOVELL** (Rumney) - Mr President, I was close to concluding my contribution but I have a few questions I want to put to the Leader. Something not contained in the bill but mentioned in the second reading speech, in the media and public announcements is the 20 000-unit threshold for an exemption from the scheme. Has the Leader, the Government, considered having this operating in a way that is not going to be to the detriment of some larger producers? I understand the reason for it and I am not opposed to the reason for it, to ensure the scheme does not have an unfair impost on small producers in a way that will impact on their ability to operate. Could the Government consider a rebate or subsidy to more fairly share the load of this threshold among all producers, which includes some very important employees in our state?

I have a question about the scheme coordinator model in clause 14. There does not appear to be anything in the bill that specifies that the scheme coordinator needs to operate on a not-for-profit model. Was that a deliberate policy decision? Why might that be the case? If it was not a deliberate decision, would it be considered as an amendment from the Government?

I have a question about the network operators. Given the size of Tasmania and the scale of the businesses operating here and the higher likelihood that those businesses will be more specialised in particular aspects of those functions, does the bill allow for multiple network operators to be appointed to conduct different parts of those functions? For example, a network operator could perform the function around collection and processing and a different network operator might perform functions around transport and logistics. I am assuming the minister wants to benefit Tasmanian businesses as much as possible. Could tweaks be made to allow Tasmanian businesses to be more competitive to take on some of those roles, given the size and scale of operators in Tasmania?

The only other question I have is about eligibility of containers for refund and whether the bill allows for a refund to be given for containers that might not be easily identifiable as an eligible container. For example, cans that might be crushed or damaged, containers that might

have labels missing or be damaged in some way so that those identifying marks are not easily identifiable.

I have some amendments prepared depending on the answers I get from the Leader and how we progress the bill this evening. I will circulate those when it is appropriate.

**Ms Rattray** - Are the amendments in the areas you have just asked the questions about?

**Ms LOVELL** - Yes. I will circulate those when I sit down.

[6.47 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, some members have raised concerns about the complexity of the models and why the Government chose the model that it did.

We have heard a lot about the scheme being complex. While nobody is denying that, there are a lot of moving parts. In essence, it is very simple. The Government's policy objectives are to reduce litter and boost recycling. To best achieve this, it makes sense to place our objectives in the hands of the organisations that are driven and incentivised to achieve this.

This is a split responsibility model with a scheme coordinator who wants to keep costs down and a network operator who is paid per container returned. The alternative, a single governance model, leaves the beverage industry, the same industry that saves 10 cents every time a container is not returned, in charge and this does not make sense.

No amount of comparing schemes interstate or comparing redemption rates in this month at scheme startup or last year, no amount of reviewing annual financial statements will remove this very clear and simple reality. The most successful scheme for all Tasmanians is the one that collects the most bottles and cans. A split responsibility model lays the very sound foundations to achieve that.

I will start with some answers. The member for Hobart, on refund points and small business involvement. The CRS community access standards state a minimum of 41 refund points around Tasmania. This is among the best coverage in Australia's CRS. Small businesses can tender to be refund points. Businesses like newsagencies, corner shops and post offices can make great options for over-the-counter refund points which work well in smaller towns and in regional areas. There will be work for local marketing, education, logistics, administration, maintenance, and small businesses will be involved.

What happens to returned materials? How will stockpiling be avoided, also from the member for Hobart. Material recovery facilities will be paid to refund amounts for every eligible container collected from kerbside recycling provided they are sent for recycling. This will disincentivise stockpiling so the network operator will have an obligation to recycle scheme materials and be similarly incentivised.

What is the attitude of recyclers to CRS? Recyclers nationwide are appreciative of container refund schemes as the cleaner streams of recyclables are easier to process and fetch a higher price in the market.

From the member for Hobart, what happens to material in recycling bins? There will be agreements or contracts between material recovery facilities which currently amalgamate the recycling bin material and the scheme coordinator. If there are eligible containers in the recycling bin they will go back to the MRF and be processed or sorted like all other commingled materials. There is a requirement that eligible containers must be recycled and the MRF will not be paid without evidence of this. Because an MRF will not get paid without evidence of recycling this will dissuade stockpiling of recyclable materials.

The attitude to glass coming out of recycling bins? Interstate, eligible material in recycling bins is reducing and is coming directly into the container network. Less glass in commingled bins is good for material recovery facilities as broken glass wears out machinery and it is also more valuable as a cleaner, separated stream of material as it is in the CRS.

Then we move to the member for McIntyre.

**Ms Rattray** - Good luck sorting out those questions.

**Mrs HISCUTT** - Going back a little way, is it not? Would not Tasmanian small beverage companies be hit hard by this scheme? Tasmania has more than 90 small beverage companies operating across the state and their contribution to the economy, tourism and employment is highly valued. The small beverage sector has a key role to play in the CRS. The Government has been working with the industry to ensure it can continue to thrive and therefore will not charge a fee for container approvals; grant an 18 month transition period for small producers to meet new labelling requirements; and provide a small grants program for small beverage companies to assist with administrative support and the cost of obtaining barcodes. Exempting all companies from paying into the scheme for their first 20 000 containers sold each year effectively means Tasmania's 40 smallest beverage suppliers do not pay into the scheme at all. Consumers will still receive a refund for these containers.

Should small beverage be exempt from the scheme altogether? Every beverage company has a part to play in reducing litter. We want to give a refund for containers from Tasmania's small beverage industry. Exempting them means no refunds for consumers which is not only confusing but sends a poor message to consumers about Tasmania's small beverage companies. There are six container refund schemes operating in Australia. Small beverage is exempt in none of them.

At that point, Mr President, I seek leave to table a document and have it incorporated into *Hansard*. It talks about the container refund scheme and small beverages in particular and the member might like to read that later.

**Leave granted; See Appendix 1 for incorporated document, page 137.**

**Ms Rattray** - Does the Leader have any idea what the quantum of 'small' would be when it comes to grant and assistance? I did talk about \$10 000.

**Mrs HISCUTT** - It may be something I will be able to seek advice on when I finish delivering what I have here.

**Ms Rattray** - I appreciate that.

**Mrs HISCUTT** - How will the container refund meet the Government's Buy Local policy mentioned by the member for McIntyre?

**Ms Rattray** - It was raised a couple of times.

**Mrs HISCUTT** - I might have another one of the same ilk as we go along. The tender process for the scheme administration roles will abide by the Buy Local policy. Initially, an economic and social benefit assessment will be 25 per cent of the tender evaluation process for appointing both the scheme coordinator and a network operator. This means our proposals will be evaluated for how well they demonstrate benefit for the Tasmanian community including for charities and community groups. Local Tasmanian business will have the opportunity to sign on as refund points or work in container collection and transport and get involved in recycling the material collected. The CRS will generate a larger, cleaner stream of recyclable material and there are opportunities for businesses in processing and re-using this.

This is a little answer. The question was about whether 10 cents is too low; why not 20 cents? It is important that the refund amount is harmonised around Australia to avoid cross-border movement of containers. Tasmania will increase the refund amount at the same time as it happens elsewhere.

Still with the member for McIntyre. How can community groups participate in a scheme? Tasmanian charitable and community groups will be able to be part of the scheme in a number of ways, such as donation points where local community members can drop off their containers so the charity or community group operating the donation point can take the containers to a refund point for the 10-cent refund.

Donations at refund points was another issue where container refunds can be donated directly to the charity and community group. Charity and community groups can register for a refund account which allows people at a refund point to donate their refunds to any refund account. The contract to the network operator to run the refund point and receive handling fees - the 10-cent refund is then paid out to the customer or their nominated charity. The network operator provides support, such as administrative tools and transport. This ensures that charities and community groups have plentiful opportunities to be part of the scheme and to benefit from it.

Another question was, is the network operator going to create fairer opportunities for charities and community groups to be involved with the scheme? The network operator will be developing a refund point network that is in alignment with a set of government minimum standards that will dictate minimum hours and days of operation of the refund points as well as general locations for refund points. This will ensure good coverage around the state, that is convenient for all Tasmanians to access. As part of this, the network operator has an incentive to work with whoever is best placed within the network to maximise container returns. So, if that is a charity or a community group, they will have a fair and equitable opportunity to operate a refund point.

It is important that the right refund point operators are chosen at the correct locations for maximum returns of the containers. Research done by EMRS shows that convenience is the most important factor when it comes to whether Tasmanians will utilise a container refund scheme. Additionally, an economic and social benefit assessment will be 25 per cent of the tender evaluation process for appointing both the scheme coordinator and the network operator.



This means proposals will be evaluated on how well they demonstrate benefit for the Tasmanian community, including for charities and community groups.

I have some clarification for the record about percentages, everything over 90 per cent. The survey in the second reading speech was conducted by the department during public consultation. It was on the department's website with 3334 respondents, and that was the 78 per cent support I mentioned. The 94 per cent support was from the Enterprise Marketing and Research Services (EMRS) survey commissioned by the department, which surveyed 1600 Tasmanians. That is for clarity.

**Ms Forrest** - I am glad you clarified that.

**Mrs HISCUTT** - I think we all agree it was well over 90 per cent.

**Ms Rattray** - It was 91 per cent in 2011.

**Mrs HISCUTT** - It is going up. The member for McIntyre spoke about the Lions Club involvement, and whether the network operator will assist. The minister has corresponded with the Lions District Governor, Robert Mantach. The network operator is best served to provide the infrastructure assistance required in a scheme, so this will be a consultation to undertake with the successful network operator.

And another one from the member for McIntyre. Will this duplicate the curbside recycling system? Container refund schemes produce cleaner streams of material that do not have the contamination problems of commingled kerbside recycling. These higher quality materials are sought after by industry for recycling, and recyclers are willing to pay a premium for them.

I was asked to identify ways we have made it typically Tasmanian. Here are a couple of short examples, for the member for McIntyre as well. The small beverage package is the first of its kind in Australia that gives specific assistance and consideration to our small beverage industry. I really should give a plug here for the Penguin Beer Company, which is a very new business in Penguin and doing very well.

**Ms Forrest** - A bit like the Communion Brewing Company in Burnie. That is in my electorate. You cannot have that one.

**Mrs HISCUTT** - That is coming too, so they do need support.

Moving on. Our refund point network specifications are tailored for Tasmania's dispersed regional population.

The member for McIntyre said the CRS does not address the big six litter products, and she mentioned drinking wine out of a bottle. I am sure she meant drinking wine out of a glass and having the bottle left over.

**Ms Forrest** - Out of the bottle, into the glass.

**Mrs HISCUTT** - This initiative is only one of a number of waste management and resource recovery initiatives that this Government is pursuing to reduce litter and grow our

circular economy. We have committed to a ban on problematic and unnecessary single-use plastics by 2025, increasing the penalties for illegal dumping, developing a web application that enables reporting of littering and, on top of this, some of the funds raised through the waste levy will be used to educate the public on litter. So, we have a few irons in the fire there.

Now we have the member for Murchison's 12 questions.

**Ms Forrest** - That last one was more of a statement, you will notice. I did say that.

**Mrs HISCUTT** - The comment was 'agreed' with an exclamation mark, so now we have 11. Some of these were asked by other members, so there is a bit of a cross-section here.

The members for Hobart, McIntyre and Mersey asked about the inclusion of the wine bottle question. Wine bottles are not currently in any Australian scheme, particularly as they are not included in the original South Australian scheme. Two years ago, the meeting of environment ministers agreed to look at mechanisms to harmonise the scheme in Australia. It was agreed that South Australia would undertake an analysis of options to expand the schemes, including to wine bottles.

In designing the Tasmanian scheme, the minister requested that the Tasmanian elements needed to be consistent with what is happening across the country, hence the type of containers and the 10-cent refund. In order to reduce the impact and cost associated with registering containers, Tasmania will adopt and use the New South Wales approved containers. If Tasmania was to go it alone on wine bottles, it would potentially impact the market for wine in the state, where low volumes of many brands are being sold in Tasmania. It may mean the national and international brand owners do not send their products here. However, when wine is included by all jurisdictions in the same time period, the market is not likely to be affected.

The member for Murchison asked what else we are doing to reduce the amount of waste we are generating. I went through a few of them, but there may be some more here. The Tasmanian Government is getting on with its plan to reduce waste and build a circular economy in Tasmania, as highlighted in the draft waste action plan. This work includes, of course, the container refund scheme, improved strategic waste governance, a levy on waste disposed at a landfill, and targeted industry development and support programs.

The Tasmanian Government continues its long-term relationship with Keep Australia Beautiful, providing \$45 000 per year to run education and awareness programs. That money is spent within Tasmania. Importantly, we provide funding to Rethink Waste to undertake their statewide program to educate the public and business sectors to minimise all types of waste.

The implementation of the waste levy will be a vital piece of the Government's waste and resource recovery initiatives, and important in reducing the amount of waste we generate. The levy will provide a disincentive to disposing of material at landfill; therefore, there is a disincentive to produce waste in the first instance. Importantly, the levy provides funds that will be put back into the waste management and resource recovery sector to invest in new and innovative ways to recycle and reprocess the material. Rather than these products being waste, they will be reprocessed into valuable products that can be re-used again and again as valuable products in our circular economy.

The CRS regulatory cost to government, listed in the regulatory impact statement, of \$3.7 million over 20 years, seems low. Is that question 3? The figure is derived from DPIPWE modelling, based in part on the Marsden Jacob report in 2018. The assumption is that regulatory costs are higher in the implementation period then reduce over time. The cost per year is more than \$185 000, suggested by your good self, as a discount rate has been applied to the annual cost, as is standard practice in economic modelling. The Government may seek cost recovery from the scheme coordinator.

Question 3: will the operating cost to establish be provided by the state Government; if so, will it be a loan? The process of establishing schemes in other states has included the offer and provision of capital establishment loans. The Government recognises that such a facility may be necessary, particularly to facilitate an efficient commencement of the scheme. The request for tender documentation will include the capacity for the tenderer to provide information about their need to access a government loan.

Can we recycle material in Tasmania?

**Ms Forrest** - Not enough.

**Mrs HISCUTT** - Not enough. The Government believes we should be able to recycle as much material in Tasmania as we can. In order to do so, the Government has commenced a process of investing in on-island infrastructure. Three projects have been funded this year, including providing \$11 million in combined state and Commonwealth funds to the projects. These projects focus on plastics and are being developed by Environex, Mitchell Plastic and Timberlink. In addition, the Government will be investing with industry to provide re-use facilities for waste organics and waste tyres. With waste levy funds available in future years, further investments and grant opportunities will be available to expand the sector.

Questions 4 and 5, for the member for Murchison. Can more detail be provided on the cost of the scheme and costs to the community? On the cost to the community, the Marsden Jacob modelling indicates 10 cents per container at implementation, rising to 16 cents after 14 years, but the consumer gets 10 cents back if they return the container.

**Ms Forrest** - When it is 16 cents paid - so you actually lose 6 cents?

**Mrs HISCUTT** - That is right.

**Ms Forrest** - That is what I said in my speech. Yes.

**Mrs HISCUTT** - As the return rate increases, the additional costs are paid by the beverage industry through their supplier contribution. The 16 cents figure includes the higher costs.

**Ms Forrest** - Their what, sorry?

**Mrs HISCUTT** - The higher costs.

**Ms Forrest** - 'Higher' as opposed to 'hire'.

**Mrs HISCUTT** - The cost of the scheme modelled in the regulatory impact statement as \$121 million over 20 years does include setting up the refund points. This comes under administering and funding the scheme.

**Ms Forrest** - That includes the cost of administering the scheme, is that what it is saying?

**Mrs HISCUTT** - Administering and funding the scheme.

Question 6 - how will the scheme be designed to incentivise a high return rate early in the implementation period? And question 10 as well - what public education programs will be rolled out?

A public education program will be conducted in the lead-up to the commencement of the scheme and ongoing. This will include essential information about the CRS, such as which containers are eligible, which containers are exempt, what the refund amount is and where the nearest refund point can be found. Information about the scheme will be convenient and easy to find either online, on social media or at container refund points. The education program will be an ongoing part of the scheme and will be updated to align with the maturity of the scheme and where potential is identified for growing participation. It is anticipated that responsibility for, and performance of, the public education program will be finalised in governance contracts.

Question 9 - what is the state Government doing to incentivise the early involvement of grassroot organisations as part of the rollout of the scheme? There has been engagement with charity and community groups over the last 12 months, to inform them about opportunities presented by the CRS scheme. Webinars were conducted before and during public consultation for specific stakeholder groups, including two webinars for charity and community groups, two for small businesses groups, one for local government and one for the public. Interested groups had the opportunity to ask questions throughout the public consultation process. Some charity and small business groups have formed part of the expert reference group.

As part of the expression of interest process, we are asking interested parties to register their interest to become a refund point. This register will be shared with the appointed network operator to assist with identifying possible refund point locations. The public education program will include specific information for grassroots organisations such as local charity, community and sports group.

Question 7 from the member for Murchison. The CRS aims to reduce litter therefore people will be encouraged to return all eligible containers on implementation. If a container is missing its barcode, for example, the Government's intention is that it would be refunded in the months following implementation. However, non-eligible containers such as wine bottles will not be refunded.

**Ms Forrest** - Damn it. I can't get those wine bottles in.

**Mrs HISCUTT** - The cost of refunding historic litter - those that are in someone's shed - if they missing their barcode, they will be part of the scheme costs paid for by the scheme coordinator.

**Ms Forrest** - To clarify, the former member for Western Tiers' shed full of bottles, he can get an amnesty pay?

**Ms Rattray** - Yes.

**Mr PRESIDENT** - Yes. He has another supply at Conara apparently.

**Ms Forrest** - Is that right? But you can't get it on your wine bottles?

**Ms Rattray** - This is an important question, Mr President.

**Ms Forrest** - It is because we're talking about reducing litter and increasing recycling, that's the policy position.

**Mrs HISCUTT** - The cost of refunding historic litter, missing its barcode, will be part of the scheme costs paid by the scheme coordinator. Historic litter can be returned and the costs will be covered by the scheme coordinator. That is correct.

**Ms Forrest** - So people will get money back.

**Mrs HISCUTT** - It will be covered by the scheme coordinator.

**Ms Forrest** - But not wine bottles.

**Mrs HISCUTT** - Only beer bottles.

Question 8 - the CRS will have a community access standard to ensure comprehensive coverage of refund points. This standard states there must be at least 41 refund points in Tasmania. It also stipulates where these must go, based on towns' populations and geographic distances. The objective is all Tasmanians can access a refund point regardless of where they live. The Government's intention is that most refund points would be operational on day one. The network operator must submit an implementation plan to the government.

Question 11 - does the implementation of the scheme allow glass to be removed from kerbsides? Yes, eligible glass containers will be removed from kerbside recycling, reducing the amount of contamination of other recyclables. The legislation allows for other containers to be considered in the future. We have started with beverage containers, as have all other states, but there is scope for that to broaden in the future.

Then we move to the member for Launceston - will the split responsibility model cost businesses more than sole governance? The Government's objective to the CRS is to reduce litter and increase recycling. The scheme that has been chosen is designed to maximise the achievement of these objectives. The proposed CRS will reduce drink container litter by almost 50 per cent, while the recycling of drink containers will almost double. This would be a major achievement, which is great for our state. It means millions fewer drink containers littering our parks, roadsides and beaches.

The department undertook a regulatory impact statement on the split responsibility CRS. Extensive economic modelling found that the CRS will be a net benefit to the Tasmanian community. The benefits will outweigh the cost by \$35 million over 20 years. The CRS will create \$1.29 in benefits for every \$1 in cost. The biggest beneficiaries are the Tasmanian community; the tourism industry, due to the more attractive natural environment which increases appeal; and local government. In terms of specific costs to business, experience from

the six interstate CRS is that beverage companies pass the CRS costs on. There is no evidence that sole governance CRS cost business less than split responsibility CRS.

The department has analysed the costs that companies pay into CRS schemes interstate. There is no evidence that supply contribution is less in sole operator schemes. In fact, the published supply contribution in New South Wales split responsibility scheme is often less than the published supplier contribution in Queensland's beverage control scheme. This means the cost impact on business is less.

Another query from the member for Launceston, about Western Australia's independent board. The response is we will have a skills-based board with an independent chair for the scheme coordinator board. This will be set out in regulations.

The member for Launceston asked about the scheme objectives and why jobs, small business and charities are not considered. The Government's objective for the CRS is to reduce litter and increase recycling. The scheme that has been chosen is designed to maximise the achievement of these objectives. The scheme has been designed to provide opportunities for all Tasmanians to participate, whether they be individuals, small businesses, charities or community groups. The Government has prioritised supporting Tasmania's small businesses in the beverage sector to adapt to the CRS. As a result of extensive consultation with small business, the Government has announced a package of support to assist these companies.

The member for Launceston spoke about Good Sammy's. Nothing operational that was observed in the Western Australian scheme is precluded from being in the Tasmanian scheme. She spoke about her concern that the split model puts the cost onto the community. The split model does not transfer costs to the community. It is a cost-effective scheme that maximises redemption. It limits cost inputs on consumers while reducing the amount we all spend on litter reduction. The CRS regulatory impact statement funds the CRS, and will save the Tasmania community \$5.6 million over 20 years in reduced litter clean-up costs. She is impressed with the CRS in Perth. Sydney has more refund points per head of population than Perth. Sydney has one full-time refund point per 14 000 people and Perth has one full-time refund point per 28 000 people.

The member for Launceston asked about the small beverage assistance meaning that larger companies will have to pay the costs for smaller companies and it is unfair. That was a concern raised in the Boag's letter. All beverage companies, large and small, have a role to play in reducing litter in Tasmania. We have created a level playing field: all beverage companies will be part of this CRS and will have to comply. No company is exempt. All companies receive their first 20 000 containers without paying into the scheme. Whether you are Coca-Cola or a small cider house in the north-west, everyone is treated the same. The measure is not unfair or anti-competitive. Our measure will help small companies adapt to the CRS while reducing administrative red tape. Our measures do not affect the total cost of the scheme. That remains the same. The majority of Tasmanian beverage companies will benefit from these measures. Our package means Tasmania's 40 smallest beverage companies will not pay into the CRS which will help them grow as they adapt to being part of the CRS. In total, these 40 companies sell less than a million drinks per year. That is under 0.5 per cent of containers sold in Tasmania and means the overall cost impact of this cost-free threshold is very low.

Where is the evidence the split responsibility CRS does not impact heavily on industry costs, beverage sales or beverage prices? There was an industry claim there that the split responsibility CRS would cost Tasmanian beverage manufacturers more per container than the sole operator model. One company reported it might cost them up to \$1.5 million a year. The response is there is no evidence the split responsibility CRS model leads to higher costs and the industry has not supplied verifiable evidence to support this claim.

The department considered publicly available evidence in the form of the supplier contribution that beverage companies are required to pay into the CRS per container sold. New South Wales, with split responsibility, the supply contribution is similar to that in Queensland, which is the sole operator model. For example, in June and July 2021, the supplier contribution in New South Wales was 12.62 cents. It was less than in Queensland which was 12.9 cents. This is despite the redemption rate being higher in New South Wales. In addition, the experience with interstate CRSs is beverage companies pass the cost of these schemes onto consumers. The split responsibility CRS in New South Wales, which commenced in 2017, has not had undue effects on beverage prices or competition. This was the finding of a review by the New South Wales Independent Pricing and Regulatory Tribunal.

Should the Government consider more objectives such as jobs? The CRS aims to reduce litter and increase recycling and we have selected the model most likely to achieve that. More objectives risk conflict of delivery. All schemes in Tasmania will create a substantial number of jobs - CRSs have generated around 700 jobs in New South Wales, 700 jobs in Queensland and 700 jobs in Western Australia. This includes jobs at refund points as well as in transport, logistics, administration, technical support and cleaning.

There is nothing inherent in the sole governance model that means it will create more jobs. Whoever runs the scheme will make decisions about the type of refund point's opening hours and logistics and these decisions will affect employment. The Government will be running a public tender process to select the businesses to run the scheme. Economic and social benefits to the scheme will form part of the evaluation of the tenders. Any job creation by the scheme coordinator and network coordinator will count towards this evaluation.

The member for Rumney has concerns that the New South Wales network operator made a large profit. The success of a recycling business should be evaluated not on its profit structure but on whether it provided a convenient network for people to use and excellent value for money. The New South Wales network operator reported no net profit in its annual statutory report of 2018-19, and \$13 million was the fee paid to the New South Wales network operator to deliver the network. In Queensland, the beverage industry-controlled scheme paid \$132 million to run the scheme in 2019-20, and mostly for-profit operators, the COEX scheme, made a surplus of \$22 million in 2020.

The member for Rumney spoke about her amendments, but she did ask them as questions as well so I will run through the answers for her. She was talking about the scheme coordinator must operate as a not-for-profit. The amendment is - give me some leeway here, please, because she did ask them as questions. The amendment is not supported. The scheme coordinator will be selected through a public tender. It is important all types of business be allowed to participate in the tender process. There is a risk that limiting this to not-for-profit will result in a non-competitive market and a higher cost scheme for Tasmania. It makes more sense in getting the most effective scheme for Tasmania to encourage as many interested and

capable organisations to provide competitive bids that will go through a rigorous evaluation process.

The second one was Part 2 be amended to ensure any eligible containers receive a refund whether crushed or missing a barcode. Clause (2)(a) already provides for this: 'Nothing in this Act prevents a scheme participant from paying - (a) a refund amount for a container other than an approved container'. Through the tender process the network operator proponents will be asked to address how to best and fairly deal with the historical litter and damaged containers to meet the schemes objectives of reducing litter and increasing recycling.

The response to your third question which was about the third amendment you had. The bill already allows for this, that more network operators be appointed. The bill has been drafted in such a way, and the Acts Interpretation Act provides for references to a singular network operator to include the plural so the tender process will allow for that. I will make sure I do not need to seek any more advice.

There was a question from the member for McIntyre on the run. What is the threshold for the assistance for small beverage companies? It is grants programs for barcodes, grants for administrative assistance, 18-months transition period to comply with labelling laws and options for doing scheme paper work monthly or quarterly. So, the threshold is companies with total annual production of CRS beverages under 250 000 litres. This captures the 77 Tasmanian beverage companies.

**Ms Rattray** - The quantum?

**Mrs HISCUTT** - As in litres?

**Ms Rattray** - No, as in financial assistance?

**Mrs HISCUTT** - The budget estimate is at \$3500 to deal with container retrievals. That is for all businesses to come to the Government. To assist with barcodes the budget estimate is between \$3000 to \$6000 as a cost to government. That is for all businesses.

Mr President, I think I have delivered all the answers.

**Bill read the second time.**

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

That the Council does now resolve itself into a Committee to further consider the bill.

**Mr PRESIDENT** - The question is that the Council does now resolve itself into a Committee and that I do now leave the Chair.



**Ms FORREST** (Murchison) - Mr President, I move -

That the question be amended by leaving out all the words after 'That' to add the words, 'the Council will tomorrow resolve itself into the said Committee'.

Mr President, the reason I am doing this, as I alluded to in my contribution on the previous debate around referral to a committee is because we all know that the Committee stage takes a while.

The member for Rumney has already flagged some amendments. I appreciate the answers we have been provided but there are other questions that come from that that will be fleshed out through the Committee stage. We know from last night's performance that Committee stages do not happen quickly and neither should they. But the House decided not to refer the bill to a committee so we go through the Committee of the Whole. We know how long it took with the pokies legislation. We know how long it took with TasTAFE. I think we have all shown enormous patience with these bills and with the work that needs to be done. And we need to do it properly. I will not repeat the impact of fatigue on people and their capacity to make decisions.

I propose that amendment to the motion the Leader has put, with all due respect to the Leader. She has had a very long few weeks too and she has been in the Chamber as long as anybody. She may not have all the committee work that the others have but she has other responsibilities in her role as Leader, and she does a very fine job. As I said, we have already given additional days to deal with the legislative load. We do not control the schedule. We have had many late nights.

I believe the proposed amendments that I have heard about from the Leader's response to the member for Rumney do deserve full and proper debate. I do not know whether the amendments have been circulated yet. I have not seen them so I am not sure of the context of them but I really want to flesh out the response from the Leader to the member for Rumney around the tender process with the regard to not-for-profits. I think that there are real issues. We talk about vested interests. I do not think this can be done quickly. It is already 7.30 p.m. and we have not had a dinner break.

**Mrs Hiscutt** - We could put a dinner break in.

**Ms FORREST** - You would?

**Mrs Hiscutt** - Yes, if you -

**Ms FORREST** - Quite frankly, I think we are past the point of having a dinner break and then coming back at what time to start a Committee stage? Are you kidding? It would be nearly 9 p.m. before we came back to start the Committee stage. You have to be kidding - after the time that we have had.

So, with all due respect to the Leader, and I understand that she has a job to do, but we have too and we need to do it properly. I urge members to support my amendment to the motion. We will come back to this. Yes, it will be next year, but we can then give it full and proper consideration.

The Government has a commitment from this House that we support the principle. Whilst it might delay some aspects of it, such as putting out the tender, but it could be because the tender process needs to be changed through the bill. So, let us give it full and proper consideration in a timely way. I acknowledge the immense pressure that our Table officers and other staff are under during these processes. We have all got to do this together. I urge members to consider supporting this amendment to the Leader's motion in the interests of all of us making sensible decisions.

[7.38 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I wholeheartedly support the member for Murchison and endorse every word she has said. We know in this place that it gets busy towards the end of the year. We have had a busy end of the year for 17 years now, except for about one. But this is ridiculous.

**Ms Forrest** - This one takes the cake.

**Ms RATTRAY** - This takes the cake, in my time in this place.

**Ms Forrest** - And the icing.

**Ms RATTRAY** - And the icing. The member is absolutely right. The bill has passed into the Committee stage and so the department can go about its work. There will be people who will be asking questions about when the tender process comes. It might well be the middle of March, somewhere around there. But I believe it is going to give the bill plenty of time for implementation. It is nothing like the four months that they tried in New South Wales. It is a decent time frame to still have it ready to go at the end of 2022.

I support this proposed amendment. I believe everyone deserves an opportunity to have input into it. Even though the Government said it would not support the member for Rumney's amendment, the House may support it.

**Ms Forrest** - They have four votes.

**Ms RATTRAY** - Yes. The rest of the House might support it.

So, we have to flesh it out, we have that debate. Also, there were many responses. I thank the Leader and the people who provided the answers for you. There were quite a few questions from all members. We will look at our answers and see whether we believe that there are amendments to be put forward too. To expect OPC to be doing them on the run, when we have amendments to amendments to amendments, that is when it gets really interesting. The consequences of those sometimes are not known until after we have tried to do it.

I support the honourable member and I appreciate the honourable Leader's position. She does a sterling job in this place and we cannot expect her to do any more.

**Amendment to the question agreed to.**

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

**First Reading**

**Bill read the first time.**

**ALCOHOL AND DRUG DEPENDENCY REPEAL BILL 2021 (No. 40)**

**The House of Assembly advised that it agreed to the Council amendments.**

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

**The House of Assembly advised that it agreed to the Council amendments.**

**STATEMENT BY PRESIDENT**

**Dr Bastian Seidel, Member for Huon - Tribute**

[7.43 p.m.]

**Mr PRESIDENT** - Honourable members, I advise the House that given this is the honourable member for Huon's last sitting day in this place, a bit shorter than he probably thought he was going to get, I will allow the member for Huon to make a brief contribution to the Council. In doing so, I also allow any other member who may wish to speak, to do so.

I invite the member for Huon.

[7.44 p.m.]

**Dr SEIDEL** (Huon) - Mr President, thank you for allowing me to rise to speak for the very last time in this Chamber and indeed the Tasmanian parliament.

As I indicated before, my time in this parliament will come to an end next week. Following the advice from the Parliamentary Standards Commissioner, my resignation will come into effect on 7 January next year. I will drive my old and trusted Volkswagen Beetle to Government House in order to see the Governor of Tasmania, Her Excellency, the Honourable Barbara Baker.

The election for the new member for the seat of Huon will be held on the first Saturday in May 2022, in line with the elections for the seats of Elwick and McIntyre. I am quite sure both of them will be easily returned because they are outstanding local members, hardworking and very committed to the cause.

Since I announced my resignation and the reasons for it, I have received almost 700 letters, emails and messages urging me to reconsider and to stay on. To say that I felt overwhelmed by the unexpected personal support and encouragement would be a significant understatement. I have questioned ever since whether my decision to resign was right. I am

fully aware that I disappointed many of my supporters in my community and my party. I have to admit that I lack the resilience required to thrive or even to survive in the microcosm of politics. I just could not do it. I cannot look back now, but please allow me to express my sincere gratitude to all who reached out to me over the last weeks. It really means a lot. It is time for me to say thank you and it is time for me to say goodbye.

Thank you, Mr President, for your warmth and your wisdom. You are ideal for the role of the President and long may you continue as the member for Derwent and President of this House.

I want to thank the Leader of the Government, the honourable member for Montgomery. I know I have been quite naughty sometimes, asking pesky questions, but you handled them with grace and dignity. Quite frankly, you get paid for it as well. You are now being ably supported by the member for Rosevears. I am glad to see you climbing up the career ladder in your party. You will do fine. Please remain kind in your role. You have good support now, honourable Leader, from the new member for Windermere who adds a bit of bite to the discussions and that is entirely complementary to other members of this House.

I want to thank the member for Prosser, who as a minister always had time for any issue from my electorate that affected her portfolio. That is not the norm. She has always been there, she has always been genuine.

I want to thank the honourable member for Mersey for putting so much work in the end-of-life choices bill and carrying that bill through with expertise, conviction and success. My small contributions on that bill will forever be the highlight for me in the time I had the privilege to have in this parliament. I thank you for that.

I thank my seat buddy, the member for Hobart, for teaching me how to be open-minded and for teaching me how to listen to contributions and to only make my mind up once I have listened to everybody, because that is what you do. I thank you for that.

I want to thank the honourable member for Nelson for entering battles she cannot win but doing it regardless. That is a principle of democracy and that is the definition of honour. I appreciate that very, very much.

I thank the member for Launceston for continuously looking out for Launceston but also for the many medical practitioners and health practitioners. I know you have a special interest, in particular, working with the AMA. I appreciate them all very much.

The best seat in this House, of course, is the seat next to the member for Murchison. She taught me the ropes very early on. She is a tough teacher but she is also an excellent teacher. I do not think I have had many role models in my life professionally but the member for Murchison is one of them. So, thank you very much for just being there, for answering the many questions I had, and for giving me lots of work to do now, in my last few days, with all the inquiry stuff coming up.

I have already mentioned the member for McIntyre. I do not know how you manage to cover such a huge electorate as you do. You know it inside out, and it is great to see you are always prepared, always making a contribution. You said it has been 17 years in this parliament, and I am sure there will be many more years to come.

Of course I am going to thank my Labor colleagues in this House. We have spent more time together than we actually spend with our families. It has been tough at times, but we have developed friendships above and beyond the politics of the day. I will sincerely miss working with you, I really will. It has been excellent.

I thank the Clerks and all the parliamentary officers. You all work so hard. You are the first people in in the morning and you are the last people out. The working hours and the workload is incredible. I am not sure how you do it.

I thank the members of the Government who are supporting the Leader - Mandy, Jonathan, Will. You have always been very responsive to my requests and emails, and you have done this really well. I thank you for that, too.

I thank Hansard for translating and transcribing my contributions into the King's English, which I think was a significant challenge for you. I have never even bothered checking; they have just done this fine. I trust the professionals and I am sure they have done it really well, so thank you for doing that.

I worked our research officers and library staff very hard. I think once I got a paper from a library in Lithuania within 48 hours. It was some bizarre paper they could not find anywhere else - quite incredible. They were just there, nothing was ever too hard. It is fabulous.

Thank you to the staff in the dining room and the cafeteria. I have used them a lot. The food is excellent. Again, they are still waiting for us now. They are doing really well.

I thank my electorate officer, Morris Malone, who has worked absolutely tirelessly for me and for my electorate of Huon. I could not have asked for any better support and wise counsel. It has been fabulous working with him, because he actually cares about the community. I already know that he has a very bright future ahead of him.

**Ms Rattray** - He even turns up at bowling night for you.

**Dr SEIDEL** - He does. He might be a member of this House some time, you never know.

Last but not least, I thank my family - my wife, Alexandra, and my two boys, Henry and Freddie. It has been quite an experience for all of us, and I am coming home now. So thank you, honourable members. It has been a privilege.

**Ms FORREST** (Murchison) - Mr President, I acknowledge all the words, and I am going to cry too, sorry. I was one of the 700, and I tried several times. I lost that one too, but I commend the member for Huon on the effort that he has made in this place. He brought a set of skills that I was really pleased to see come into this House, to complement my background of knowledge to a degree, but from a different perspective. It was really good to have another health professional in the House, because we have had some pretty complex legislation. The VAD bill has been mentioned, absolutely, and to have the member for Huon here to bat things between us to get the best outcome for the health professionals that we were engaging with was really key for me.

I think it takes real courage to stand up and say, 'I cannot do this anymore', in a public place, in a public space, where men particularly are expected to be able to take anything - because usually they do, and their families often suffer as a result. I absolutely commend the member for Huon for having the courage, the strength of character, and the guts to say, 'I cannot do this anymore.'

Thank you for being so brave and courageous, and thank you for standing up for your family - but thank you more than anything for calling out the horrid things that happen in some parties, or all parties probably to a degree. It is only when we shine a light on those things that they have any chance of changing. For democracy, we all need to have a light shone on those things, and hopefully that is where change will start.

Thank you for your courage for speaking up to say, 'I cannot do this anymore.' Thank you for your courage for being brave enough to say, 'This is so bad, so toxic, I cannot stay in it.' Hopefully that will be the impetus for change. It takes real courage and it is hard on families.

This might sound gendered - it really is not intended to be gendered at all - but often men are unlikely to say, 'I cannot take this because the family comes first.' So again, the courage and the conviction you have to your family, to your wife and your two little boys, is so valuable and so precious. Thank you for putting them first, even though the people of Huon are far worse off because of it in the short term. They will have a new member in May next year, but I am glad you are staying until 7 May, because you have some work to do before then on the health committees.

**Mr Willie** - January, I think you meant.

**Ms FORREST** - What did I say?

**Mr Willie** - May.

**Ms FORREST** - Wrong date. Until March. That means I will get my pound of flesh yet. Thank you for what you have brought to this place - your insights and the way you have spoken about matters, and that slightly German sense of humour that you have brought here.

We will miss you, and I am sure your party colleagues will miss you terribly, but thank you - and thank you for your courage. I wish you all the best. I know you will still be public in some ways, but I think you will do a fine job wherever that is.

[7.57 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I am only going to make a brief contribution because I am feeling quite emotional about this as well. My children are here watching and they will tease me endlessly if I cry in the Chamber.

I want to acknowledge the contribution that the member for Huon has made here in the Chamber, and in our party room as well.

I do not think I have ever seen anyone work quite as hard as you did through your campaign, through the work we did on the end-of-life choices bill, and then through the state election campaign as the shadow minister for health. The hours and hours, the kilometres and

kilometres that you put into doing something that you believed in. You never wavered, and you gave it everything, and it was not unnoticed.

The skills that you have brought to this Chamber and the way you have conducted yourself has been above reproach. I do not think anyone could ever say they have ever felt in any way treated with anything other than the utmost respect by the member for Huon. That is probably the thing that will stay with me the most.

You have been a really good friend, and will continue to be, I am sure. I want to acknowledge that, as disappointed as I am to lose you, I have nothing but respect for you and for the decision that you have made, so thank you.

[7.59 p.m.]

**Mr WILLIE** (Elwick) - Mr President, I am a bit like the member for Rumney; I have not been looking forward to this day. Not only are we losing a great member of parliament, we are losing a great serving member of the Labor Party in the parliament.

I do not get emotional very often in front of my colleagues, but I can say to the member that after the radio interview he gave, outlining some of the reasons he was leaving, after he had spoken to us too, I cried. I cried in front of my colleagues for the loss to the parliament and the Labor Party. We have been through some really tough times. I really get it.

The best thing about Bastian is he is thoroughly decent, he cares, he gets to know people and he knows about their story and where they are coming from. You could see that in the way he spoke then. It does not matter where you come from to enter this place. He knows about you. He cares about you and he connected with you, and he connected with the people at Huon.

The Labor Party is a big family. There are a lot of different things that happen in the Labor Party. I was only too keen to put my support behind Bastian when he stood in the Huon because I wanted him in this place. I even drove down to the Huon a few times with my mother who is a very good campaigner. I remember having a conversation with Bastian at Margate at the foreshore and thought he is going to be a remarkable politician - a generational politician, I thought, when I left Margate that day, but it is not to be and I understand that.

I have nothing but respect for Bastian and I will not have anyone say a bad word about him ever. I would like to continue our friendship and am sure we will do that. I want to thank you for your service. Thank you for the conversations we have had and for encouraging me as well in my portfolio areas, the things I am doing, but also encouraging me to stay and to fight, to keep going through this period. I hope we can do that and look back on it and it will be worth it.

Thanks for encouraging me to buy an e-bike too.

**Members** laughing.

**Mr PRESIDENT** - You did not buy the right one.

**Mr WILLIE** - I did not but I certainly have enjoyed that.

Thank you for our friendship.

[8.02 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I need to make a special mention of the member for Huon here on his last sitting day. I note his time in this House and wish him well and best luck for his future. I presume he will be going back to his medical practice to serve the members of his community in that fashion.

There is one thing I have noted and I will lighten things up a bit.

Mr President, during the Committee stage, and I must admit the member for Huon has given me some hard times, I turn around and look at him and what do I see? This eyebrow goes up and I think, oh no. Here we go.

When we were doing some divisions, and there were an awful lot in the gaming bill, we were in the middle of a division when another member, who shall remain nameless, suggested to me that the member for Huon's vote should be double mine because he is doubly as tall as me. I will not go into who that anonymous member is.

**Ms Forrest** - Someone who should look in the mirror.

**Mrs HISCUTT** - I would not say that. Needless to say, the member for Huon's height does not go unnoticed. Actually, I think his height only matches his great dignity and character - enormous.

So, I wanted to lighten things up a little bit.

It has been a pleasure to work with you and if I do not see your eyebrows raise at me again, I will know everything is okay.

I want to wish you well into your future endeavours and say a fair cheerio as you fold yourself up into your little Beetle and drive away from this parliament for the last time.

It has been a pleasure to know you.

**Members** - Hear, hear.

[8.04 p.m.]

**Ms HOWLETT** (Prosser - Minister for Sport and Recreation) - Mr President, I knew that I was in trouble when Bastian stood for the seat of Huon. The whole of the Richmond municipality knew Dr Seidel. You have served the community incredibly well before moving to the Huon Valley. My parents said to me what a wonderful gentleman you were, and they were right. You certainly are.

Thank you for being part of this Chamber and part of the contributions. Your debates have been outstanding. I have thoroughly enjoyed listening to you. I have learnt a lot from you. You will be greatly missed. I wish you well into the future. I know that we will all, every single person in this Chamber, continue to have a friendship with you. We look forward to seeing you in the Huon Valley or you coming in here and being with us. Thank you for your contributions. I look forward to working with you from a health perspective in the future.



[8.05 p.m.]

**Ms WEBB** (Nelson) - Mr President, it is very difficult to acknowledge the time the member for Huon spent here and not feel so sad that we will not be able to have the benefit of his contribution in this place for longer. Having said that, we all fully understand the decisions he has made and respect that wholeheartedly, especially the values, the integrity and the love of family and the clarity of self that must sit behind that decision he made.

Bastian, I say to you as you leave, I appreciate anyone who runs for office, but I appreciate that you ran for office. We all know the effort that takes. It is an enormous decision. Then you won your seat and came here. In the time you have been here you have made an impact. You have made an impact on each of us and how we are in this place and do our role. You have been felt here. You have made an impact for your community. That we can say that about you after not a really long time is significant. It is not everyone who would come here and in their first year make an impact. Thank you for that.

Personally, I have quite often enjoyed actually observing your time here and your interaction. I have enjoyed you deploying your intellect with that raised eyebrow and those insights for questions or close scrutiny. That has been at times quite fun to watch, to be honest. You will be fondly remembered for the time you spent here. You will be admired for the impact you have made in that time. As is apparent today, you will be personally missed when you step away. Thank you so much. All our best wishes and all my best wishes go to you into this next stage of things.

[8.08 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, the member for Huon will be missed. The one thing we really wish is that if you have to leave the Labor Party, Bastian, couldn't you stay as an Independent?

**Members** laughing.

**Ms ARMITAGE** - We always espouse independence in this House and we would have loved you to stay. I can remember the member for Rosevears and I cornered you at one stage and said, please Bastian, stay as an Independent.

**Ms Webb** - I think we all tried.

**Ms ARMITAGE** - We all did try.

**Ms Forrest** - We all tried and failed.

**Ms ARMITAGE** - It has been lovely getting to know you, you have been a great member. Labor Party aside, we always do espouse independence, but you really have been a great member. You have been so good for the community of Huon. They are going to be very sad to lose you from this place. We are going to be very sad to lose you from this place. There is still time, Bastian, to change your mind before early January. You could always be an independent Labor, we have had those sort of people before. In all honesty, you have been a great member. It has been really good listening to your contributions. I, for one, will miss you.

[8.09 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I am not going to say a lot. It is unusual for a Christmas, like we were waiting for you to crack a joke, we waited and waited and waited. Usually at the end of the year we are sort of quite happy to say goodbye and come back next week, it is Christmas. This is not that sort of occasion and it is because of Bastian. But, then again, if you were ever cornered by the member for Launceston!

It is really unusual we come across someone who retires and it is somebody so young and who has so much to offer the Tasmanian parliament and people. But then, in the other area where you excel you will be offering Tasmanians another part of your ability. Unbelievable.

Sometimes, the planets have to align when you have a big piece of legislation to get through. I am going to dwell here for a second on what we did in this place, the only parliament in the world for having a unanimous decision. You being on that group having opposing opinion and wearing that out and as soon as it was either defeated or accepted you tapped me on the leg and said keep going. You were always there to say, 'Keep going with what you are doing, we will get this done', and your role gave a legitimacy to this parliament, because of your professional background.

Often, I would come into your room and ask, 'What do you think about this? What is going on? How do you think I should handle this?'. For me, not having that background it was really important.

The other thing before I sit down and shut up, Morris is a really good, young man. I love the way you go in every morning and evening and you touch base with him on a personal level. Often you go in there and are laughing and carrying on. That is so important in this place that our staff who work with us do so as our friends. He obviously has high regard and respect for you, as we all do in this place. You will be missed, but you will be remembered and that is the important thing.

I wish you all the very best.

[8.14 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I am glad there have been a few lighter moments while I got myself together.

Bastian, the honourable member for Huon. When you came to the Legislative Council you instantly joined our family and on behalf of everyone and from what has already been said, that was evident. You just fitted in. It just worked.

Yes, we are disappointed to see you go and people have made some really nice comments on that and how brave you are to head back to your wonderful family and spend some more time in the Huon.

I wrote down a few words for this particular occasion, your time here and how it affected me. It has been short, particularly for some of the longer serving members. It has been interesting. I have always taken the opportunity to listen to contributions. Your accent never bothered me, but I was not trying to record it. Enlightening, informative. You always had something interesting and informative to say and I know that does not happen for all of us. I know especially for me at times.

You are unpredictable. I did not know at times which way you might have sat and particularly after your decision to leave your party. But it has been enjoyable and you certainly have shown great integrity. I will wish you every happiness and all the best for the future. You know exactly what you need to do and where you want to be. I know your family will be very pleased to have you home again.

All the best.

[8.14 p.m.]

**Ms PALMER** (Rosevears) - Bastian, we came into this place at the same time so we had from day one quite a connection. Mr President, the very tall Labor member, the very short Liberal member. I remember being so unsure of myself in this place. I still am a little bit. When to stand, when to sit, what you can say, what you cannot say - it can be a very confusing environment. It can be a very intimidating environment. I know that in those first few months when you sat over there, and we were right across from each other and there were lots of exchanges of eyes, like I do not know what that means, what are we doing here, how did we get here?

I am so sad that you are going. I am really sad that we have been here the same length of time and I am so happy, and I feel like I am doing everything I can to flourish in this new environment and I am so sad that that was not your journey.

I would mention something that relates to what the member for Mersey said. You have not been here for a long time but I think fate played a part in the fact that you were here when this place and the people of Tasmania needed you the most, which was debating the VAD bill. To be here as new members and have that piece of legislation put in front of us was horrifying, overwhelming and emotional, but you were here and your contribution throughout that bill was phenomenal. I remember looking to you so many times and listening because I felt you had that level of expertise that I did not have. I want to thank you for that. It may have only been a short time, but you were meant to be here for that moment.

[8.16 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I have to say I followed the career of this gentlemen to my left, my seat buddy, for some time when he was with the Menzies Institute, going back a while. And when I heard that he was standing for election, it seems like a lot of other people did, I rang you and I said to you: 'You've got to run as an Independent, Bastian. Do it.' And so, it seems that everybody did exactly that because -

**Mr Willie** - Not me.

**Mr VALENTINE** - Well of course not. But he did tell me, yes, he had been a member of the party for a while and he could not. That was the thing; the thing about you that has already been mentioned is your integrity. You knew what you had to do and it did not please some of us around this Chamber. You knew what you had to do and the integrity with which you have undertaken your role here is outstanding.

Integrity means a lot to me as an individual and you have displayed that in spades. It has been wonderful to see. But, sitting here where the old man sits, you know, being the oldest person in the Chamber, in fact in parliament, but that is beside the point. Whenever we have been debating anything and you have stood up, I have always been looking at your back and I

am thinking to myself, I wonder what his take is going to be on this? I have never been disappointed. It has always been -

**Mrs Hiscutt** - I have thought the same thing.

**Mr VALENTINE** - You have always had some different angle that causes us to think. I really appreciate being able to hear other members' views on things. I do genuinely not make my mind up often. Sometimes I might think I am pretty well there, but you always have a different take on it. What the member for Rosevears said was so true that when we had the VAD bill here, it was really affirming to have somebody of your calibre, your expertise to give those wise words of wisdom. And I have really appreciated it.

The only sad thing is that I will not be able to go and say, well look I have a doctor an elbow's length away from me who sits in the Chamber with me all the time. Your wise off-the-record advice with things like that, with my diabetes and stuff like that, I have really appreciated it as much as you probably did not want to hear me ask the questions.

It has been a pleasure working with you. It has been great having you as a seat buddy. I understand the pressure that you felt and how you wanted to do the best thing by your own self and your family. It took a lot of courage, it has already been said. You are a person to be admired and looked up to. I hope we do not lose touch and occasionally we get to see each other in the future.

All the best for whatever you turn your hand to. Obviously, it is going to be doctoring, but it might be other things; and you might think, 'Maybe I might have another go.' Think about being an Independent.

**Mr DUGAN** (Windermere) - Mr President, I echo the sentiments today and the departure of the member for Huon. Our time together has been all too short, but I love your accent. You are erudite, eloquent and you speak beautifully. When you stand up to speak, we know that you are going to say something that potentially had not occurred to others, which is what I have really enjoyed.

In fact, two things stand out to me about listening to you speak and both occurred on the radio. I was driving in my car during the election campaign and I was listening to you speak on the issue of health. I thought, this guy is the real deal, he speaks pretty well and he makes some pretty good points. Then my friend and colleague, Jeremy Rockliff, took over the health portfolio and I understood it is a big beast. Listening to you speak on health was impressive.

The next time I heard you on the radio, was when you were announcing your resignation and it is a counterpoint to the first occasion. I thought then you made a courageous decision. It is a decision, I suspect, you will not regret. You will not regret the time with your family. I wish you all the best, and I hope to see you in the future. That smile and the twinkle in your eye; you are a good man. This place is better for having had you, mate. Good luck.

**Mr PRESIDENT** - In summary, because it is pretty clear that in a relatively short time you have made a pretty bit impact on this place. You have been someone who has made a real difference. You will be a great loss to the parliament, but a great gain to the community. When you first came you elevated our team to such a level, you gave it an air of credibility, because

you had that extra, as we all do; but it added that extra little bit. I think it gave politics a good face. To attract a person of your calibre is a really good thing for politics.

I completely understand the decision you have made and completely respect it. In all this time I have found you to be such a generous, kind, caring, intelligent person. It has been wonderful to work with you. I understand that huge amount of care that you can give. The member for Hobart was talking about all his free medical consultations. Well, I was pretty lucky when I had a little episode and it gave me so much strength. I got to see how you did things; and I was feeling pretty ordinary at the time and even before the fentanyl hit, you made me feel really calm and relaxed. I thought, wow, this guy has such a gift for someone in a situation that is very uncomfortable.

I know that Alex and Henry and Freddie will be so pleased to have you back in their lives more often, and so will the community that you have worked in. In this Chamber we are all called 'honourable,' but you are truly an honourable person. So, good luck and all the very best.

**Members** - Hear, hear.

## **TASTAFE (SKILLS AND TRAINING BUSINESS) BILL 2021 (No. 56)**

**Legislative Council Amendments agreed to.**

### **ADJOURNMENT**

[8.25 p.m.]

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

That at its rising the Council adjourn until 9.30 a.m. on Friday 4 March 2022.

**Motion agreed to.**

### **Christmas Greetings**

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

That the Council do now adjourn.

Mr President, before you put that question I would like to talk about Christmas wishes. That time has come and gone; 2021 is nearly gone, as the member for Huon would be well aware.

The year itself seems to have been longer and harder than any other year, especially in the last couple of months and, dare I say, the last couple of weeks. I am going to look forward to the future. I am going to focus on family this Christmas, as I always do, as they are the most important people in our lives. That is including my new four-month-old grandson, Flynn, what a great present to have.

Again, I take the opportunity to say thanks to all Legislative Council staff, the Hansard, OPC, library staff, the IT crowd, and utilities. As members of parliament, we are very reliant on all staff to help us get our job done efficiently. The last few weeks have been particularly hard on our staff, not to mention members, and I thank everyone for the huge effort that has been done. Merry Christmas to you all. I hope you have a merry Christmas, Mandy.

Mr President, I want to thank you too, for your counsel, your friendship, and your advice over the year and, indeed, the past years. I say 'we' have received good and trusted advice but I say that you, I, and the Chair of Committees have received good and trusted advice from our Clerks, David, Catherine Vickers, and Tim. The collective minds are always very thoughtful. They always observe procedure and they are never wrong. We know that whatever happens in here will be right.

The Hansard ladies, Gaye - and we have Shae here tonight - are always tolerant, patient and persistent with us. It has been a pleasure to work with you and a pleasure to meet you, Shae. Our two attendants, Mandy, who is here tonight, and Robyn, thank you for attending to everyone's needs. I do appreciate those glasses of water. They come at the right time. It is like magic. Thank you. You have all done a wonderful job in looking after us and especially me; but I take the liberty on behalf of all members here to say that we appreciate it. Merry Christmas and thank you.

Mr President, the support that I have received from my staff is the best and it is second to none. I have full confidence in my team. Will has been very persistent in trying to get answers to members' questions and he has had to bring in the big guns only a couple of times this year to help him. Mr President, that is me, the big gun. Sometimes he comes in with -

**Ms Forrest** - Just in case anyone was wondering.

**Mrs HISCUTT** - You may think that but sometimes he will come in with his phone on loudspeaker saying, 'I have the Leader here' and I think, 'Oh, yes, righto, the big gun' and, members, it usually works. Sometimes we have to wander the corridors up to level five or wherever it is just to nail someone down. I think I have shown the member of Elwick a photo of a year that I had one particular minister nailed down to sign an answer for you.

Jonathan - well, as members know, he is a different kettle of fish, isn't he? He and his dog Vader make an excellent couple. Jonathan has provided me with excellent, solid, sound advice without fear or favour. We go into my office and sometimes we close the door and we discuss issues. There is no beating around the bush. We thrash out all aspects of a particular situation. He is always there at the end of the phone whether it is early in the morning or on the weekends, and I thank Jonathan and I appreciate his counselling.

It is lovely to have some colleagues here. I have the member for Windermere and the member for Prosser and the Deputy, the member for Rosevears. I would like to make an official announcement. Starting from next year my deputy will be taking over question time. Did you know that? Are you okay with that?

Mandy, of course. Every year the same thing, I cannot find words to tell Mandy how much I appreciate her. In my office, Mandy, we know that you are the boss. When you say, we do. We do not ask, we just do it. I thank you, Mandy, for your loyalty, and your excellent advice. You never waiver in your advice. You are there any time I need to talk to you. I do

not often harass you through the night. On the weekends Mandy answers her phone. The work that you do, Mandy, is outstanding and the many hours you have put in are unbelievable. I can tell you the last few weeks have been particularly hard on all of us, but I see it up-front with Mandy.

**Mr Valentine** - You only have to look at the time the emails come in.

**Mrs HISCUTT** - That is what I was about to say. Actually, I told her after last night's effort I did not want to see her until at least nine o'clock this morning. No, I did not see her but the texts were coming. Thank you very much, well done. Thank you to my whole team.

Mr President, members, I want to say to you all that despite our political differences it is a pleasure to work with you all, even the member for Elwick.

**Members** laughing.

**Mr PRESIDENT** - We do not have to know that.

**Mrs HISCUTT** - Okay.

**Mr Valentine** - We will have to lift our game.

**Mr Willie** - It is a Christmas message.

**Mrs HISCUTT** - As soon as we step outside this House, this Chamber, it is always good. I appreciate that happening. When the Council meets again next year for our first quorum call we all will hopefully be refreshed and ready to do the best we can for the people of Tasmania. Do take care of yourselves during the Christmas break. Look after yourselves. Spend time with your family. I do hope Santa comes to visit some of your homes. I wish you all a Merry Christmas and a Happy New Year.

**Members** - Hear, hear.

### **Christmas Greetings**

**Mr PRESIDENT** - I will keep this pretty short. We obviously have someone pretty keen for adjournment there. I will start off by thanking the Leader. She does a tremendous job under great pressure. I do not think until you have been in that role that you realise how challenging it is, sometimes putting arguments for ministers forward, but very complicated. There is a lot of pressure from all directions. You handle that really well and stay human at the end of the day, which is terribly important.

I, too, would like to acknowledge Mandy, even though Mandy does not work in my area. She is such an integral part to this whole Chamber in keeping things running smoothly and has been a tremendous servant to the Council for a number of years with a number of governments and is totally respected. Thank you, Mandy.

**Members** - Hear, hear.

**Mr PRESIDENT** - I would like to mention the people who keep this place running through the year. We have our utility officers that we see around cleaning, Gaye, Shane, Asmida and Angela. Not just cleaning, having a chat in the morning. They are really good people and go above and beyond. Of course, Brendan Boon, who has been kept pretty busy putting up light fittings in the President's room for some period of time now.

**Ms Forrest** - Plastic bollards out the front.

**Mr PRESIDENT** - Indeed. Another good member of the team.

What has made a difference in this Chamber, even though it is not under our direct control in the Legislative Council are the parliamentary education officers, Kimbra and Collette, who bring the school groups through. There has been such a great interaction in the parliament. It is really good to see people come and watch our debates. That adds that little bit more for us and for them as well. That is one area we really should work on to educate our kids in what we do and how important good democracy is.

Our other services, we probably have the best little bistro in the town. It has a selection of all sorts of things and you can always say, 'Hey, Jo, I need a certain sort of low-carb cracker', and the next day there is a selection there. To Jo, Christine, Renee, Jade, Jess and Tania, thank you very much for looking after us. Sometimes we go down there and it is another area where we get a bit of good therapy.

Likewise, the dining room. We are so fortunate to have the dining room. I invite a number of people in or sometimes they invite themselves in and I just facilitate. The quality of the food, the quality of the service, it is a really good place. I have been to other parliaments and do not think their dining facilities are a scratch on ours. To Mandie, the chef, John, Jacquie, of course, Simon, and all the casual staff that work through there who are always polite. It is a wonderful part of the parliament and when we have these long days and long nights, it has been great to get down there and catch up over a bit of table talk.

Bryan Stait and the team that provide research and I am sure we all use them from time to time. You can ask Bryan any question and he will find the answer and we have to assume it is correct because he is the only one who knows. Likewise, Marijana Bacic in the library and the people who work down there.

Of course, Hansard, and there are so many in Hansard if I went through everyone - I should really table it but I do not know how to do that - but they might write their own names in. They all do a fabulous job. There is a list of people because they have a mix of casuals and permanents, there are a lot under the control of Helen. In our Chamber we get to spend some time with Shae, Gaye, Lynne and of course Deb who retired through the year. They are very good. I do not think we have had any great mistakes. There was a period of time where there were all sorts of classics -

**Ms Forrest** - It is a shame, really, because some of them were good.

**Mr Valentine** - No fruit bat opportunity.

**Mr PRESIDENT** - No fruit bat and no other language either. Of course, Peter Hancox and the team - Brett, Ben, Jason, Chris, James, Angus, Rob, Kate, Mal, Michael and Richard



who all work in the broadcast and the general IT, we would be lost without them. I know I use them on a reasonably regular basis. Probably not as much as the last President did, but I have always found they are very obliging and can generally get me out of mistakes I have created myself.

In our administration area, there is only a small team but I will particularly mention Nicole Muller who does a tremendous job, not only carrying the Legislative Council burden but there have been a lot of things she has worked very hard on this year that have been quite challenging and she is a real asset to the team. It is good to get to work in this role a little closer with people like that, they are fantastic.

Of course, Craig Thorpe, where would we be? Well, we would not be anywhere because he orders our cars, he is great. Our secretarial staff - Natasha Exel who has recently resigned, thank you for all your work. Julie Thompson who is a real treasure, Ali and Jenny Mannering. I sort of miss not being on committees as much, but I know everyone is really happy to work with these people and they are another asset to this Chamber. It is a different sort of world working with elected members and so many different personalities, but they do it really well.

In our Chamber here, we have our attendants, Mandy and Robyn, who are new to us this year. We thank you for what you do. You look after us in the Chamber, run messages and do all sorts of bits and pieces and of course on reception you are the front end of the operation. I mention Mark Baily who retired after hundreds of years here. I have a message from Mark, as I quite often do. He was watching, which is not healthy, so he obviously misses the place. He sent a message to wish all members a merry Christmas - so that is from Beetle.

I would like to mention my colleagues, the Deputy President and the Deputy Chair of Committees, who do a power of work in here. It is a big role, chairing committees because that is where the rubber hits the road. It is a long job and I think they handle that really well. Thank you so much for that, because it is a very important part of what we do here.

Finally, I thank our wonderful Clerk, David. I know he does not sit comfortably with praise so I will drag it out as long as I can. We are so fortunate to have David as our Clerk and he is full of knowledge. He is calm. He is measured -

**Mr Valentine** - Polite.

**Mr PRESIDENT** - Polite. Always right, that is right, always right. Then of course we have Catherine. We are very lucky to have Catherine, our Deputy Clerk, who is more right and always very calm and controlled and measured. Our new Black Rod, Tim Mills, has joined the team. He has made such a difference and is a very good choice for the role.

**Members** - Hear, hear.

**Mr PRESIDENT** - I think we keep looking over at Justice and picking out all their good people every time we need staff and it seems to be working. I do not think the Attorney-General is too happy about it, but anyway.

Finally, I thank each and every one of you for being good friends and good people. We are fortunate, working in this place and even though we have had a pretty challenging few weeks, as the Leader mentioned, at the end of the day, we leave this Chamber and we are

friends. Even inside the Chamber the way that our debate is carried out is very respectful. When you are working with heightened emotions sometimes, that is easy to forget. It is a very rare workplace where you can have a relationship with people who you regard as your friends, as well as your work colleagues.

I wish you all the very best for Christmas and enjoy the time with your families.

### **Christmas Greetings**

#### **UNITE Campaign to end gender-based violence - Orange the World**

[8.43 p.m.]

**Ms FORREST** (Murchison) - Mr President, I will not be long on this. I had intended to bring forward this adjournment motion earlier in the week but you might understand why I did not at the end of the last couple of days.

I wish everyone a safe and happy Christmas. I ask you to be COVID-19 safe; once the borders open it is going to be a real issue. We need to be very alert and very aware of the changing requirements to keep yourself and your families safe.

Mr President, I rise on adjournment to particularly note that the United Nations is marking the 16 days of activism against gender-based violence from 25 November, today, to 10 December 2021, under the global theme set by the UN Secretary-General's UNITE Campaign, Orange the World, end violence against women now. I note that members are wearing the orange ribbon. As a member of the Engender Equality Board who does a lot of work in this space, I raise this and ask members to do what they can during these 16 days of activism - whether that is on social media, or calling out something you see and standing up for any example of gender-based violence. I have the Engender Equality's annual report and strategic priority document to circulate to members for your information.

Mr President, nearly one in three women have been abused in their lifetime. In times of crisis the numbers rise, as seen during the COVID-19 pandemic and recent humanitarian crises, conflicts and climate disasters. A new report from UN Women, based on data from 13 countries since the pandemic, shows that two in three women reported that they, or a woman they know, experienced some form of violence and are more likely to face food insecurity. Only one in 10 women said that victims would go to police for help. Whilst pervasive gender-based violence is not inevitable it can and must be prevented.

Stopping the violence starts with believing survivors, adopting comprehensive and inclusive approaches to tackle the root causes, transform harmful social norms and empower women and girls. With survivor-centred essential services across policing, justice, health and social sectors and sufficient financing of the women's rights agenda we can end gender-based violence.

To quote a small section from the press release as the impact of COVID-19 intensifies, UN Women calls for concrete actions to respond to the concurrent shadow pandemic. I want to quote a few sections from this:

As the COVID-19 pandemic and a prevailing culture of impunity threatens progress achieved on gender equality and ending violence against women

and girls, UN Women is calling for robust and decisive action in response to the unprecedented crisis on the International Day of the Elimination of Violence Against Women.

Even before COVID-19, violence against women was one of the most widespread violations of human rights, with almost 18 per cent of women and girls experiencing physical or sexual violence by an intimate partner over a 12-month period.

That is 18 per cent, Mr President.

As the pandemic raged, an alarming upsurge in the shadow pandemic of violence against women became evident with increased rates reporting of domestic violence as well as in the streets, online -

And have we not seen that just lately, online abuse and gender-based violence. It is disgraceful.

and in a variety of other settings. Calls to help lines increased up to five-fold in some countries during the first weeks of the coronavirus outbreak, while on others they decreased given the inability of women to seek help through the regular channels while sheltered in places with their perpetrators.

'Sheltered' being loosely used there I would suggest.

Projections show that for every three months the lockdown continued an additional 15 million women were affected by violence.

Orange the World: Fund, Prevent, Respond, Collect 16 Days of Activism is an opportunity to leverage the renewed sense of urgency that COVID-19 has created and to propel concrete action against gender-based violence.

The measures that are being called upon, include four things:

- Fund essential services on gender-based violence and women's organisations working on the issue in all COVID-19 response efforts.
- Prevent gender-based violence through mobilisation campaigns and zero-tolerance policy.

That is what I am asking members here to step up and step in. When you see any form of gender-based violence, where it is safe to do so at the time, do something. Where it is not safe to do something at the time, do it later.

- Respond to survivors' needs for services like hotlines, shelters and justice responses even during lockdowns.

Hopefully we are not going to see a lockdown for much longer but who knows what the future is going to hold.

- Collect data to improve services, programs and policies.

Women and girls are disproportionately affected by humanitarian crises. COVID-19 has shown the need to prioritise the rights and needs of women and girls in humanitarian crises. Intimate partner violence and other forms of violence increased as women were trapped inside their homes, tents and refugee camps with abusers in lockdowns.

We know all this but we also know it is happening close to home. The most dangerous place for some women is their own home. Until recently, we have not seen murders of women by intimate partners. We are seeing it in Tasmania now. It is a blight on our society. The way to stop that is to stop it at the root. Promote gender equality. Promote respect for women and be the person who is willing to stand up and step in to these spaces. We need men to do that as well.

I wanted to make that contribution on the day that starts the 16 days of activism. I ask you for the next 16 days to think about what you can do. It may be a post on Facebook. It may be saying something to someone calling out a sexist joke. It could be anything like that. That is your contribution to the 16 days of activism.

I thank you, Mr President, for the opportunity to speak on that.

**Mr PRESIDENT** - Honourable members, before I put the question of adjournment, in error I forgot to mention our wonderful electorate officers who work very hard for us while we are in here. I thank each and every one of our electorate officers and of course Sandy Phillips - by design I wanted to make it a stand-out thank you to Sandy Phillips. Thank you for all the work you do. She holds the place together and is working here long after we have gone.

### **Christmas Greetings**

[8.50 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I do not think anyone mentioned you.

**Mrs Hiscutt** - I thanked him.

**Mr VALENTINE** - Did you thank him? I am down the back of the room, I do not always hear but thank you very much for your contributions to this Chamber. You certainly add a light touch but, when you need to, you can also add that firm touch.

**Ms Rattray** - And wonderful hospitality, Mr President.

**Mr PRESIDENT** - Thank you very much.

**The Council adjourned at 8.51 p.m.**

## Appendix 1



# Container Refund Scheme

## Information for small beverage companies

Tasmania's small beverage industry has a key role to play in the success of the CRS. We know that sustainability, Tasmania's clean, pure brand, and a reputation for premium produce are important to our beverage industry's future. And we know customers want to be rewarded for drinking local beverages with a 10-cent refund for each bottle or can when the CRS starts in 2022.

The Government has been working with small beverage companies to reduce the impact of the Scheme, while ensuring they are part of our CRS and part of our drive to reduce litter and increase recycling.

## CRS measures to support small beverage:

1. Under 'producer responsibility' the beverage industry pays for the CRS, including refunds. But in Tasmania **beverage companies will not pay for their first 20,000 beverage sales each year.**

This 'cost-free threshold' aims to help small beverage companies grow and thrive. **It means 40 of our small beverage companies will not have to pay into the Scheme.** It means less administrative work and fewer invoices. And customers will still receive a refund for these containers.

2. Only drinks sold in containers are included. Kegs and refillable bottles ('growlers') are exempt.
3. Beverage containers must be approved for sale under the CRS, but all containers **approved under the NSW CRS will be automatically approved here.** That means less paperwork. And there will be **no fee** for registering containers in Tasmania.
4. There will be a transition period for CRS labelling rules (containers are required to carry a barcode and a refund message). Small beverage companies have **until 2024.**
5. A **grants program** will help small Tasmanian companies with the cost of obtaining barcodes.

