



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 17 November 2022

REVISED EDITION

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Thursday 17 November 2022

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

REQUEST FOR INFORMATION

Macquarie Point - Answer to Question

[11.14 a.m.]

Mr VALENTINE (Hobart) - Mr President, with regard to answers to questions, I have had one about Macquarie Point on the Notice Paper for quite some period of time. Can I get some understanding as to when that might be available?

**APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR 2022-23) BILL
2022 (No. 49)**

STADIUMS TASMANIA AMENDMENT (TRANSFERS) BILL 2022 (No. 39)

Third Readings

Bills read the third time.

RETAIL LEASES BILL 2022 (No. 30)

Second Reading

Resumed from 16 November 2022 (page 76).

[11.16 a.m.]

Ms FORREST (Murchison) - Mr President, when we adjourned last evening I was part way through my contribution on the retail leases legislation and I will try to not repeat anything I said. I am trying to work through it in a logical way. Some of the points were raised by the member for McIntyre; she asked a number of the questions that were raised by the Law Society and I assume that the Government will provide responses to those matters. I will try not to cover that territory, as well.

Mr President, when we adjourned I was about to speak about the mandatory pre-contractual disclosures by a landlord. One would have thought that was a no-brainer, because when you are entering into any sort of lease arrangement you would expect all of the costs associated with leasing of the premises to be up-front. In many ways, it is a shame we have to legislate that; you would think any decent person would do that. Clearly, however, it is not necessarily the case, and I referred to an example where it has not occurred.

I note that under the bill, should that occur, after you have signed the retail lease you are suddenly told, 'Well, actually, no, there is also this cost associated with leasing this property that includes cleaning of the driveway,' or whatever it might be, the tenant then has a right to say, 'I am not paying that. It is not part of the lease'. You would think that would not be

necessary; you would think that would be the way it would work. Anyway, I am glad it is there as it provides some certainty for people. They know that once they have signed the lease, that is the amount they will be required to pay - subject to increased payments along the lines of CPI and those sorts of matters, obviously.

I welcome the consistent and predictable method for determining rent increases. The member for McIntyre may have referred to this; but we have seen significant increases in some of our residential tenancies. I know a cap was put on during COVID-19 and that was a very important, reasonable and appropriate thing to do at the time. However, now we are seeing the enormous pressure with the housing shortage, and people almost feel free to raise rent prices to a much higher level than one would think was necessary. People are going to the Tenants Union of Tasmania to get support, but a lot of them end up moving out and becoming homeless - living in their cars, couch surfing, and all of those sorts of things. We are seeing it far too much around our state, and I am sure everyone would be aware of people who are homeless in their own electorates. It is a really sad situation.

That is a separate issue to this, but we know that the retail sector can have up and down times. The cyclical nature of some businesses, particularly in our tourism and hospitality sector, means the winter can be a tough time for a lot of hospitality, small retail and tourism businesses in our regions. To not have some clarity about the setting of rent increases or the method to predict or provide detail of rent increases makes those times very difficult for them.

I am sure, and with the assistance of their accountants and others, they would work out what they can afford over a whole year, acknowledging their ups and downs as some of these businesses. However, it is a real issue for some of them, because even when you are not getting revenue in the door you still have to pay your rent or your lease payment. So, that is another positive inclusion.

The member for McIntyre asked about the evening up of the outgoings and the wash-up with that, and the importance of ensuring that is underway and that it makes it clear and transparent so that for leaseholders, when there are estimates provided for the outgoings of the landlord, there is a reconciliation. The key money issue - I have not actually heard it called that, though I knew it was a practice that did occur, particularly in the tight and competitive retail market. As I said earlier in my contribution, COVID-19 changed the landscape for a while. We had a lot of empty premises, and there was much more of a lessee market, as opposed to a lessor market. Thankfully, that is changing for many communities and once things tighten up again, it prevents that collection of money just for the privilege of being able to say, 'yes, you can have these premises'.

It is interesting how things evolve and grow and sometimes it does require a legislative framework to prevent what I consider to be inappropriate behaviour. Key money was typically non-refundable, and it did not give the lessee any benefit other than the fact that they could actually have the premises. Then, if you have two potential tenants, and one is trying to get their foot in the door and establish a business, they may miss out because someone else has deeper pockets. This may help to avoid some of those sorts of things.

I also welcome the mediation-based dispute resolution. That is preferable in resolving disputes. Parties need to attend mediation willingly because if you do not, it is not going to work anyway. It is like going to marriage counselling; if one party is not willing to be there, you might as well not be there. It is all those dispute resolutions, whether it is in that situation

or in a building dispute or whatever. You must have willing parties to even have a chance of a reasonable outcome. The important thing here is that it almost forces parties to be willing because you cannot get to the next step if you do not do it.

This will need to be made very clear to people when there is a dispute because there are some with deep pockets who think, 'I will just go to court. I can sort it out that way, I can afford to pay squillions of dollars and I know that person does not have much, so bring it on'. The chances of a mediation working in those circumstances are probably not great; but at least it is given a chance. During the briefing, the Leader or her advisers may have indicated a level of success with mediations generally - the percentage of disputes resolved through mediation. It would be interesting to have that, to give some indication of the likely success, and assuming it has been predominantly with two willing parties. This now makes a potentially unwilling party - because if you want to go further, you have to go through this process, even if it is just to tick the box. It will be interesting to watch how that actually works and whether people think, well, we might as well try to sort it out here rather than take the next step.

In terms of this mediation it says, if the parties to the dispute fail to resolve matters in dispute, either party may refer the dispute to a prescribed body. Can the Leader outline who the prescribed bodies are? I know who they are, but it would be helpful to actually know who the prescribed bodies are in this. This is something I had not actually thought of when I was contemplating the bill, that a retail lease in a shopping centre must disclose advertising promotion and marketing costs. The tenant is required to contribute.

Does that include, for example, the big sign at the front that says, Murray Street shopping centre? What sort of promotion, marketing costs and advertising may a retail leaseholder need to pay to be part of that shopping centre? It may be the signage that this sort of business has on the entry and that is fine. However, there is promotion and advertising which could be a never-ending thing. When you see some like Eastlands Shopping Centre, does that mean all those tenants in the Eastlands Shopping Centre have to contribute to that TV ad, which could be quite significant for some of the smaller businesses? I have not been there for 100 years and do not know what is in there.

What sort of expectation is there and what sort of promotional work and advertising might they be asked to foot the bill for? I assume this has to be up-front in the lease, obviously, because it is a cost associated with the lease. What sort of contribution might they be called upon to provide, and what it actually covers?

I might have mentioned this in my first comments but it was disappointed when I saw this bill originally come through and land in the other House. I spoke to other stakeholders at the time, that the bill was not as it needed to be. There had been a significant call to withdraw it and actually rewrite it. I find it is a less than satisfactory process, as the Leader acknowledged in her second reading, to actually insert 31 amendments in a bill by the Government on the Floor of the House.

We know that when you make significant amendments to a bill there can be flow-on effects to that. It is all part of OPC and the work they do trying to detect and prevent the unintended consequences amending this section, and then it inadvertently affects a section over there that we have not actually properly considered. In many respects we have had so little time to actually read this as a whole and look at the bill in the whole context. Do these

amendments not create other complications in other parts of the bill? Will it function as it is fully intended?

There are still some outstanding issues the department has said it will continue to work on. The Leader was going to provide some estimation of the proclamation date. There is some work to be done, probably to make sure it will work as intended now it has been so heavily amended, but also to consider the additional amendments requested by the Law Society between now and when the bill is finally proclaimed. Perhaps the Leader could give us some indication as to when the Government expects the proclamation of this bill to occur. Using the Leader's own words, this is the number of amendments that were made and whilst this is clearly not common practice, I know the amendments directly address the key concerns held by the Opposition expressed during debate on behalf of named stakeholders and were the result of the Government listening to stakeholders' concerns, working with them and to directly access. Concerned stakeholders were asking for the bill to be withdrawn, to be rewritten properly and to be amended and brought back to the House as an amended bill where it could be considered in its entirety.

I am glad it was amended to the extent it was to address some of those key issues, but it does raise that concern there may now be operational challenges within the legislation because of that heavy amendment that went on.

The last one I will make on this is the section in the bill that actually extends the current retail code. I had to read this several times to actually make sure I was reading it right. Back in the day, every year there would be a postponement of repeal of regulations bill and it would be pages long and there would always be some pathetic excuse as to why the regulations had not been reviewed and remade.

I could be relied upon to get up and rant about how unacceptable it was that the departments were basically being slack and allowing the repeal date to come and go without having dealt with it. Occasionally, there was a legitimate reason and we occasionally still get postponement of repeal bills through this place and it is for legitimate reasons now. See, you can make a difference when you keep ranting about stuff.

I was intrigued as to how this was to work. That is why the proclamation date is important because as I understand it, with the code of practice regulations that effectively sit under the law that exists now, if you repeal that law or that law no longer exists the regulations do not have an act to sit under. What has been done with this:

Clause 88 -

- (2) The Code of Practice Regulations in force on the day on which this section commences -
 - (a) are taken to be the regulations made for the purposes of this Act; and
 - (b) remain in force until rescinded under this Act.

It is wordy and I know it has to be to make it clear, but it concerned me as to how this was actually intended to work. My layman's interpretation of that is the existing code will continue under the current law and provisions that are in place, to enable the Government to

write a new set of regulations and a code effectively and to finish any tidy-up work with this bill, which I imagine will come back to us early next year before the bill is proclaimed and thus the new regulations and new codes kick in.

It was an interesting process. I understand that work has not really been done on the new regulations, the new code as yet, and they are waiting for this to be passed. There is a fairly large body of work there. It is no wonder people are going to be busy over Christmas besides the minister answering my other questions.

I support the bill in principle. I remain somewhat concerned the heavily amended version may not operate entirely as intended. I am keen to understand particularly the proclamation date and the work going to happen between now, but also any other amendments that are brought forward after further consultation with the Law Society and other stakeholders on that.

That is the caution I express but I support the intent of the bill.

[11.34 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the Leader for the briefings on this bill and I also appreciated the briefings from the Law Society with their many concerns. I support the replacement of the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 as Tasmania is the only state that has not had a review of this type of legislation since 1998.

The bill overhauls the regulations of the leasing of certain retail premises in Tasmania by ensuring that the interests of landlords and tenants of retail premises are equally protected from unfair terms and conditions of leases, or from unconscionable conduct by parties during the negotiations, or during operation of a lease.

Updating the requirements regarding the exchange of key information between landlords and prospective tenants about lease terms and arrangements; outlining specific provisions relating to when rent is payable; the basis or formula used to calculate the rent and the timing and basis for rent reviews; enabling parties to a lease to agree to renewal arrangements within the lease and specify that the landlord must give notice of between four to six months prior to expiry of their intentions regarding their renewal, or otherwise, of the lease; stipulating certain arrangements regarding outgoings and security of bonds; and if during negotiations, the landlord's cost or charges are not disclosed or made known how they may be estimated, the tenant would not be required to pay for them.

We are told to ensure that prospective tenants are informed of what the tenant is liable to contribute under the lease, providing the Director of Consumer Affairs and Fair Trading with specific powers and functions to ensure the legislation operates effectively, and setting out a mediation dispute resolution process after direct negotiation between parties fail.

We are told that this new Retail Leases Bill 2022 will provide certainty and fairness to all parties in retail leasing arrangements, but I acknowledge the concerns raised by the Law Society, and as the member for Murchison said, it was 31.

Ms Forrest - There were 31 inserted downstairs.

Ms ARMITAGE - Some 31 amendments that they proposed.

Ms Rattray - In 14 areas.

Ms ARMITAGE - In 14 areas, and I believe that they could be condensed. I acknowledge concerns raised by the Law Society where they considered there are some good things in the bill, but also inconsistencies and problems.

I also acknowledge the advice in the briefings that these concerns and proposed amendments will be taken into account over the next 12 months, and that it is important to initially pass the bill.

I am concerned when you have a group such as the Law Society with so many concerns, as it is considered they are legal experts, and I am sure they deal with these issues quite often. As we know, the people who benefit most with problems are the lawyers when it comes to these matters. They also believe the Property Council raised a number of concerns.

Consistency is also important in the type of businesses considered, as retailers with a prescriptive list of activities and shops to which they apply, and I also understand that there will be some changes to some that will be considered retail that currently are not.

Another area, Leader, if I could have some clarity, regarding the leases, owing to possible unintended consequences of the two-tier system of retail leases over the next five years, because my understanding is that the average term of a lease in Tasmania is 15 years. Under the bill, existing retail leases are to transition within five years, unless it is a new lease, or it is renewed. There are premises that will now be considered for retail lease that were not previously.

It is confusing whether there will be some inconsistencies on a commercial level and whether there will be some unintended consequences.

While I support the bill, it is important to get the bill right as it must be clear, well understood, commercially viable, practicable and workable. I look forward to some of the comments I am sure will come up during the next section of the bill when we get into Committee.

[11.39 a.m.]

Mr VALENTINE (Hobart) - Mr President, this is an important bill for quite a number of people who own businesses but you might be forgiven for thinking that there is not a lot of interest in it because there are only nine submissions. I found that a little interesting. Given the fact that there are 39 000 small businesses across the state, I am not sure how many of those are retail businesses, but I am sure that figure is available somewhere. There are 6000 businesses of all types in Hobart alone. Many of those would be retail. It is interesting that there were only nine submissions. I asked the question during briefings whether the Small Business Council had been approached. They were given the same opportunity as anyone else, it was advertised and they did not put in a submission.

Quite clearly, it only applies to retail premises and some of the aspects of it would be very important. For instance, the one about the full disclosure of costs and charges being available under a lease - I do not think anyone likes a nasty surprise. Some people would be going into business and leasing for the first time. They have done their sums and calculations

and the last thing they need is a surprise cost coming out of the ether that they had not factored in. It can be quite a significant thing for somebody starting out on the road of business.

We know that for a lot of people who start out in business, there are quite a significant number of failures over time. It might well be because they did not realise the sorts of costs that were involved and they had miscalculated. Quite often, it would be the amount of revenue they are receiving, but the outgoings might be a significant part of that failure if they have not factored in certain things.

It is good that there is full disclosure of costs and charges under a lease. The other important thing is the retail leases guide to be provided by the landlord. It does help to educate those who are considering going into a lease as to what they should be looking for.

There are provisions in the bill relating to when rent is payable and the formula for rent calculations and timing and rent review. Each of those aspects are important for people to know up-front, to be able to plan properly for their business.

It reduces the number of surprises that tenants might receive. It is the tenants who provide the landlord with the revenue that the landlord needs. It is a symbiotic relationship, is it not? The landlord relies on income from the tenant for their premises to be viable, and the tenant relies on being able to know what the costs are up-front when they are planning their future. It is a symbiotic relationship, as far as I see that. This bill very much improves an opportunity for that relationship to yield good relations.

There are also arrangements for payment by the tenant of a landlord's outgoings and lodgement and returns of security deposits. It is also important what the expectations or the rules are there. Should a person going into business need to be able to factor in those sorts of concerns and issues, it is absolutely important for their strategic planning.

The business of key money being paid to secure, renew or extend a lease. It is good that that is outlawed. There needs to be a level playing field here. It seems to me prohibiting key money is something that most people would support.

The bill also sets the Director of Consumer Affairs and Fair Trading powers and functions and clarifies the role they play.

Another important aspect of the bill is the mediation-based dispute resolution process after direct negotiations between the parties fails. It is good that is in there because it means that avoids costs in a way. Mediation stops a number of things from occurring such as expensive court appearances. It helps to reduce court backlogs and is a good aspect.

I thank the Law Society for briefing us as others have. Obviously, they are in this space, quite a lot and probably more than most, except for the individual on the other side of parties to a lease. They are dealing with these things on a daily basis. They pointed to a significant number of concerns and a number of those seem to have been addressed in the other place, which is good. There were 31 amendments, 14 issues as mentioned with the previous offering.

However, not all the concerns have been addressed. We did hear during briefings some of those have been worked on and I hope we see some future amendments that might address

or allay some of those concerns as the department does further investigation or analysis on those issues.

There is a range of adjustments made to the information provided in the landlord disclosure statements, to accommodate instances where certain detailed information is not readily available or not practical to be given. There are some exclusions in section 8 of the bill that applies to all retail premises regardless of where the lease was entered into or whether the lease purports to state that the law of another jurisdiction applies to that lease.

It has captured quite a lot of things that have not existed in the past. There will be quite a few businesses that would welcome this bill. There will be quite a lot of landlords who would welcome this bill in certain ways. Some of the issues it deals with might put a degree of onus on landlords to provide information. However, on the whole, this has to work for everybody and this Retail Leases Bill goes a long way to addressing significant numbers of concerns.

I support the bill.

[11.49 a.m.]

Ms LOVELL (Rumney) - I will make a brief contribution on the bill and I support many of the comments made by members previously in this debate.

I thank the department for their briefings on the bill. We heard from them yesterday, but also for their work on the bill generally. There was significant work in originally tabling the bill and then we had some significant amendments, as other members have noted. This has been a somewhat unconventional process and I acknowledge the heavy work created for the department officials to have not only the bill tabled, but then that ongoing consultation and further amendments that were moved and supported in the other place.

I acknowledge the work of one of my party colleagues, Jen Butler, who also consulted extensively on this bill. It was thanks to the work of Ms Butler a number of these issues were identified. She wrote to the minister back in August suggesting there were some concerns around the bill and asking the minister to consider withdrawing and redrafting the bill. The minister chose to go with a different path and as we have seen, we have ended up with a somewhat unconventional approach where we have had substantial amendments moved by the Government in the other place to its own bill when, perhaps, there might have been a cleaner way of doing it, had that action been taken sooner. Notwithstanding we have a time frame now we have to meet, so we have the bill before us and that is what we will consider.

Process aside, the bill we have now before us in this place is significantly improved. I am pleased the minister was willing to listen to that consultation and continue to work on the bill and make those necessary amendments.

As the Leader noted in her second reading speech, there are hundreds of retail premises across the state where the retail operator relies on a lease arrangement. This is an important reform for Tasmania as the last jurisdiction across the country to enact primary legislation to regulate those retail leases. The ultimate aim of this bill and what we will see through some elements of the bill is it is about finding that right balance between protecting the rights of the leaseholder - the tenant - and protecting the rights of the landlord.

In any negotiation and any lease arrangement - whether that be residential, retail or commercial leases - you are trying to balance the interests of two people and two parties and those interests do not always neatly align. In a lot of cases, there are no problems and you have a lease arrangement that respects the rights of both parties and both parties are open to negotiating around those arrangements in a way that is conciliatory and respectful and enacts a lease that is fair. However, that is not always the case and this bill provides a fallback mechanism where we have a standard set; we have provisions and requirements that are set in the legislation that are about finding that right balance and protecting the rights of whichever party in that negotiation needs to have those rights protected.

Some key elements of the bill I wanted to mention are particularly positive, as other members have noted - the mandatory pre-contractual disclosure requirements. This is an important element of this bill, because it requires landlords to disclose up-front any costs and charges associated with maintaining a lease. That is important, because we often hear people talk about the cost of living and the fact that the cost of living is increasing causing increased financial stress for people, but the flow-on effect is it is not just the cost of living that is increasing; the cost of business is also increasing. It is costing more and more for business operators to operate their business in a sustainable way. Those increased costs of doing business are putting pressure on small businesses around the state. Often, those increased costs of doing business are unexpected; there is not a lot of time to plan for them. We have interest rates rising regularly. A lot about the cost of a running a business is unpredictable and any certainty we can provide to business owners and operators in terms of the costs that might be associated with maintaining their lease is a very welcome thing.

In addition, there are the provisions relating to rent of when rent is payable and the basis or formula used to calculate the rent and the timing and basis for rent reviews. This is an important measure because it comes back to providing that certainty and level of predictability for business owners they cannot have in so much of what is involved in running their business. This is a welcome element of this bill and I am sure particularly tenants will find that to be something that is very welcome.

The Leader also spoke in the second reading speech about the additional powers and functions that will be provided to the Director of Consumer Affairs and Fair Trading to ensure that the legislation operates effectively. In particular, there are specific functions to investigate infringements and take appropriate action to ensure enforcement of the bill, as well as to make determinations relating to retail leases, including a determination of the content and format of the retail leases guide. This is something that is an important element of the bill because it does provide a mechanism for these provisions that we are putting in the bill to be enforced.

I also want to speak about the retail leases guide. I am pleased to see specific provision in the bill requiring a landlord to provide a standard retail leases guide to any prospective tenant during negotiations before entering into a lease. As the Leader explained in the second reading speech, this explains, in plain language, the rights of parties under the bill in relation to retail leases.

Ms Rattray - Is that not refreshing, plain English?

Ms LOVELL - Plain language, is it not, member for McIntyre. That was the point I wanted to make about this standard leases guide. Leases and contractual arrangements can be difficult for people to understand, they can be confusing, they can be intimidating. Anything

we can do to provide that plain language explanation about what it means to enter into a lease is important, particularly when the small business community across Tasmania is such an important part of our economy.

We want to set businesses up to succeed, so we want them to understand what their rights are, what their obligations are under a retail lease. We want them to know exactly what they are getting themselves into so that they can be sure that they are going to be able to continue to sustainably operate their business. If we are setting businesses up to be caught out by things under their lease, then that is potentially very risky, not only for that business, but for the economy as a whole. Anything we can do to educate people about their obligations and their rights in plain language that is easy to understand, that eliminates any of that legal talk and the language that can be intimidating and confusing, the better. I welcome that provision in the bill.

The member for Murchison spoke about the provisions in the bill to provide clarity around leases for retail premises in shopping centres. An example of that is making clear prior to entering into a lease the trading hours of the shopping centre and the trading hours that businesses are required to operate under if they are to hold a lease in that shopping centre. This is something that is important. You could be a little one-shop retail operator in a big shopping centre and there is not a lot of power involved there, so if there are obligations that you need to meet as a business owner or operator in that shopping centre, it is important that it is very clear what those obligations are at the outset.

As other members have noted, legislation like this is important because it is about ensuring that both tenants and landlords have their rights protected. In any negotiation, there are two sides, there are two parties involved and retail leases are no different. It is important that we find the right balance in that. I know, members, we would all have small businesses in our electorates right around the state, and the member for Hobart would have quite a number of them actually.

Mr Valentine - I would say so.

Ms LOVELL - A number of those hundreds, perhaps thousands, across the state are involved in a lease arrangement where they are leasing the premises that they operate in.

Ms Rattray - There are 39 000 small businesses.

Mr Valentine - Statewide, that is what I am told. It would have to be verified, but it is in that vicinity.

Ms LOVELL - So 39 000 small businesses across the state. Well, it would be interesting to know how many of those are on a lease. You would imagine not a lot of small businesses would own their premises either, most of them would be operating under a lease arrangement.

It is important that we are able to provide that level of certainty and provide legislation to back up their rights and ensure that those rights are protected because without those small businesses our economy would be suffering.

I spoke earlier about the cost of living and the link between the cost of living and the cost of doing business. That is worth revisiting. It is critical at the moment and it is something that

a lot of Tasmanians, in particular, are very much feeling - the effects of those increases in cost of living. We have seen not only increases in interest rates, and where landlords own their premises, they are renting that out, they have costs to meet there as well. They have mortgages they need to meet and service; they have increased costs involved with many of the elements of owning a property. We need to ensure that they are able to keep doing that without the flow-on effects of that unfairly being imposed on their tenants and the business operators.

This is a bill that will provide that level of certainty with those elements that are about being up-front about the costs involved, the timing and the way rent reviews are calculated. This bill is about ensuring that businesses can continue to operate in a sustainable way. I will end my contribution there.

Ms Rattray - A fine contribution too.

Ms LOVELL - Thank you, member for McIntyre. I support the bill. I am pleased to see those elements addressed.

Mr Willie - That is what I was going to say.

Ms LOVELL - Amazing, is it not? Uncanny how the timing works like that. I will take a moment to clean the workstation, as is required so that our next contributor can gather his thoughts and take a moment, but I support the bill.

Recognition of Visitors

[12.02 p.m.]

Mr PRESIDENT - Before making the call for the next speaker, I welcome to the Chamber today Anna McKenzie, who is the wife of the member for Pembroke, and their children, Olive, Eli and Thomas, along with Aileen O'Rourke. I also welcome Kate Rainbird, who is the new electorate officer and will be working alongside the member for Pembroke, Stuart Benson and Jane Atkinson, from the state ALP, Dean Young MP, member for Franklin, Ella Haddad MP, member for Clark and Stephen Briggs, who is also joining us here, along with Heidi Heck. I think that has covered the entire fan club.

Honourable members, I will remind you that shortly the new member for Pembroke will get the call to make his first contribution in this place, and that we all extend the courtesy of not interjecting, but certainly -

Ms Rattray - Free rein after that.

Mr PRESIDENT - Free rein after that and if there are light jokes, feel free to laugh and become involved, but interjections will be saved for other contributions, I am sure.

[12.03 p.m.]

Mr EDMUNDS (Pembroke)(Inaugural) - Mr President, I extend my thanks to the member for Rumney for your efforts to accommodate the flow of guests coming in today. I did not think after my few weeks of silence in this Chamber that the challenge we would face is not having enough people to talk, or not being able to talk for long enough.

I guess delays is a good place to start. This speech was scheduled for other weeks this Chamber was sitting. I had a few challenges with availability of family members. Having grown up in the north of the state, those became insurmountable unless you wanted to wait until next April.

So we have bitten the bullet. I might touch on some of the reasons why some of them are not here later in the address. There was my hospitalisation, about which the member for Elwick joked that I did not have the stomach for the Legislative Council when I had to have my appendix removed about 4 a.m. or 4.30 a.m. after our condensed sitting week before Hobart Show day. I place on the record my thanks to the incredible staff at the Royal Hobart Hospital for how quickly they dealt with that. Anna and the kids dropped me off about 4.30 a.m. and my appendix was in a bag headed for - wherever that stuff goes, by about 10.30 a.m. I knew that was quite serious when the nurse approached me and said, 'You are not going to die'. I said 'I didn't realise dying was on the table here'. I digress. We made it, though.

I thank all members, particularly the members for Elwick, Rumney and Derwent for their patience and especially the members on the Floor for having to carry our party's issue through. I appreciated that, and getting the chance to listen and learn. Also, thanks to the Legislative Council and parliamentary staff for their guidance in the first few months here. I promise I will keep listening as much as I have tried to these last few months.

The first speech is obviously a chance to introduce ourselves to the parliament. So, hello, I am Luke, I am 40, I live on the eastern shore in Bellerive with my wife, Anna, and our children Olive, Eli and Thomas who are here with us today.

Before I get rolling, I acknowledge the traditional owners of the land on which we are meeting today and pay my respects to Elders past, present and emerging. I acknowledge the passing of the Queen and the inauguration of the King, who we are still figuring out if I was the first politician to take the affirmation to. I also acknowledge the passing of the former member for Huon, Paul Harriss and place on record my condolences to the current member for Huon, Dean Harriss and his family.

I acknowledge the previous member for Pembroke, Jo Siejka for her efforts on behalf of the community in which I live, and the party we both represent, in two barnstorming wins within the space of 18 months. Thank you, Jo, for endorsing me to take your place and for all your efforts in the community as the member. I also place on record Vanessa Goodwin, who was as equally beloved in this Chamber as she was in the electorate, ahead of her health struggles and passing in 2017.

Mr President, that is a lot of life and death for the first few moments of the speech, but unfortunately, strap in.

On the night of my election, I dedicated that to two people who I know had had big years, Karelle Logan who works in the Leader's office and my good friend and former work colleagues, Michael Stedman and Zoe Yates who had both had tough years but had fought through it. I leant on the attitude with which they have faced their challenges. It is not fair to compare that to an election, but it is worth putting that on record.

There is no doubt anyone who was there at Labor House that night knows that I had a bit of a moment. I do not know whether it was the build-up to election night, the emotions of

getting the results from the worst booth first, the lack of appetite all afternoon - all I ate that day were two democracy sausages; and /or the Mercury cider that was the only cold drink I was able to deliver to Labor House as we arrived. Everything else did go in the fridge; so I went the Mercury cider route that night on an empty stomach. Whatever it was, it had hold of me, and it was like my life flashed before my eyes. It was like the montage in the Rocky movies, before the last round. I am not saying I was going out to fight; but I am talking about cinematically - those moments where every pivotal moment is in the build-up; Mr Stallone does the montages so well.

That is what it felt like. I remembered my childhood. I remembered Dad bouncing out of his armchair during the 1993 election, with 'I like him' when Paul Keating walked out of the radio studio and he saw the press pack were there. Somebody played *Stayin' Alive* by the Bee Gees, so Keating went back and then brought the strut out. That was Dad, and I wondered, 'Why does Dad like this bloke so much?' That probably lit the fuse in me that has led me here today to be the Labor member for Pembroke.

I remembered my childhood with my brother and sister, Scott and Christy in Campbell Town; in Mowbray; and living at Windermere. The Atari; the endless backyard cricket; walking home from school; catching the bus to and from school. I remembered the toughness of my Nan, Elaine - or Polly, as we could not call her to her face - on Dad's side. The most no-nonsense person I have known, who still had the kindest heart; and my Pop, Bill, who died when I was quite small, but had the ultimate reputation to be able to withstand the biggest punches in the stomach from the tougher cousins, and still laugh away.

I thought about my Nanna, Gwen, who was here when I signed the affirmation, and is one of my biggest supporters. A woman who turns 94 on 5 December, but despite government red tape, still works as an accountant to this day. She is a remarkable, unheralded person. As far back as the early 1990s - possibly the early signs of my pro-worker, pro-fairness roots - I would grab Nanna's diary and scrub out days for her to take a day off. She took most of them, I think. However, I remember her coming to me with a heavy heart and a guilty look to tell me she had to cancel my day off, from time to time. In hindsight, it was probably the only leverage I would ever knowingly hold over her. The highlight for me was the summer of 2001-02, when I lived with Nanna in Newnham. There were plenty of chats about politics and history doing the washing up, and she definitely turned a blind eye to how late I would occasionally get home. She is a lifelong Liberal voter, but I have been able to bring her over as a supporter to good Labor candidates, when the circumstances allow.

I thought about everyone I love, my own family, my in-laws, my Aunty Sue, and Pete, my dad's partner Ann, and my friends who have come and gone in the last 40 years. I even thought of the family pets that we had growing up; anything that would get you emotional. Most of all, I thought about my Mum. Her death in 1999, when I was in Grade 12, is probably something I have never fully come to grips with. Her last words to me were to live life to the fullest and not to take things too seriously. Some people I know might argue I have taken these words too literally at times.

I did an eight sentence Facebook post when I was declared the winner in Pembroke, and signed off that Mum was most in my thoughts, and had never left me. A friend from local government, who lost their own mother, sent me a text afterwards which in part said:

It's never the tough times that I miss mum but it can hit me like a ton of bricks when something great happens and she isn't around to be a part of it.

Honestly, I cannot put it any better than that.

Thank you to those people who were there that night, or in spirit, refreshing the TEC website, or on the phone - like my Dad and Labor Leader, Rebecca White, who were able to decipher me at my most emotional, on an empty stomach with some - by that stage, room temperature - Mercury ciders.

It was good later that evening to run into the Liberal candidate, Greg Brown, and have a chat. We had quite a good relationship from our first meeting on the campaign trail. I also place on record my congratulations to the other candidates who had a go and kept it focused on the issues. It is no small thing to put your hand up for election.

Mr President, during the campaign, I and the dedicated rotation of volunteers doorknocked thousands of homes in Pembroke. We had hundreds of conversations about health, transport, schools, jobs, climate change. However, there was one issue consistently at the top of everyone's mind: the skyrocketing cost of living.

Very early in the campaign, one person said to me that we should be paying Tasmanian prices for Tasmanian power. They were right; taxpayers have invested heavily in our energy utilities over generations, precisely so that they can work in the best interests of all Tasmanians. I could not explain why people living in Warrane, Mornington or Lindisfarne, should have to cop a 12 per cent increase to electricity bills when we generate enough power here to be fully self-sufficient.

We spent a weekend in Geilston Bay hearing about how people are paying almost 20 percent more to rent than they were just 12 months earlier. That is an extra \$4680 on a medium rental and official data.

As a Clarence councillor, I was the first in the state to speak out about the bin tax. It has put rates up for local people on the eastern shore and will not make a real difference to tackling our waste and recycling problems.

There have also been increases to grocery, increases to water bills. The wages are not keeping pace. While inflation is skyrocketing, our public servants, nurses, teachers, firefighters et cetera, are seeing their real pay go backwards while facing tougher conditions.

The fact of the matter is that only the Government has the power to lighten the load on Tasmanian families. However, rather than come in here and chuck around rocks, I am proposing a way forward.

During the campaign, I committed to seek support for the Legislative Council inquiring into power prices, but today I am flagging I will seek support for a full-blown cost of living inquiry to see what we, the parliament, and the Government, can do to take pressure off Tasmanians, their families, workplaces and community organisation.

We won our election with a two-party preferred rate of 63.33 per cent. The word 'mandate' is overused in politics, but it is obvious Tasmanians want us to be working on

solutions to the cost of living crisis. With the hopefully unanimous support of this Chamber, we can interrogate the issues and get to the bottom of all questions people are asking about CPI and cost of living.

Mr President, despite what some people might think, I have actually enjoyed being effectively gagged ahead of this speech. You can learn a lot more about people and places by listening. Around this room are representatives of many places I have lived and/or worked in. At least seven of them.

For example, when I first spoke to the member for Windermere, it was 1997 when I left the Brooks High School camcorder on a Duigan Coaches bus in Grade 10. Thank you again for returning that. I am not sure what the bursar was going to do to me if it did not come back, they were very precious items in 1997.

In this Council we have a number of graduates from local government, and we have a number from the media, and journalism. So, I ask you, who better to take the Pembroke vacancy than a journalist from local government?

I started at *The Examiner* as a cadet in 2003, fresh out of university starting in a now extinct or at least heavily endangered role as a subeditor. To begin with, I did the socials pages, the crosswords pages and the racing pages.

Occasionally, if the wire services were dragging their feet, I would do my own horse racing tips, or rewrite the star signs if I did not like the attitude towards Sagittarius. They cannot sack me now.

Not long after this, I was looking after the race guide lift-out, the cars lift-out, and X-Static, the music lift-out. It is no shock that one of the grizzled old subs called me Lift-out Luke.

My most famous error occurred in this time when I incorrectly transcribed '042 X-STATIC' text line for a competition that required readers to text in their name, address and expletive-filled title of a Machine Gun Fellatio album or DVD to win a prize. The problem was the number I had put down was a Western Australian truckie who, because of the time difference, started getting barraged with swears text messages from about 4.30 a.m. from our loyal readership.

Since this moment, I have been a big one for checklists, to check and double-check for errors. Despite copying it for them, 'Don't forget to hit send,' I have never had this sort of cock-up since.

After *The Examiner* it was back to Hobart for some post grad, and I can remember one grumpy old photographer wrote in my going-away card, 'Good luck learning at uni what you couldn't learn here'. Thanks mate.

Before what some might call the opportunity of a lifetime, or political career suicide, I went to work as a subeditor at the infamous *Zoo Weekly* magazine, in Sydney. It was a whirlwind 12 months, and when I arrived the magazine industry was flying high. I still remember the work lunch a week into my time there, where the editor signed off on a

\$4000 bill, only to put the card back over the bar. I was in awe. This was big money to a 25-year-old from Tasmania.

Zoo Weekly was a creature of its era. Would I work there now? I do not think I would. For one it is not being published anymore, but I also challenge anyone who gets too high and mighty on these things, to pay the bills and build a CV. If I had not gone to *Zoo Weekly*, I would never have had my next job, nor would I have the experience of working, in fact, the most professional production environment of my career.

The next stop was the *Mercury*, a brilliant workplace where I did two proper tours of duty and worked as a freelancer, which is a fancy word for casual or unemployed, until my election.

It was probably here in mid-2008 when I realised subeditors were in strife as 10 - mostly subs - were made redundant. There have been waves of redundancies since then and at other publications which have put pressure on a dwindling number of over-performers.

I also did a tour of duty at *The Advocate* where I was lucky enough to be sports editor. I loved my time there in a young workplace, shepherding through the newbies and imparting old war stories from other newsrooms, like I am probably overdoing now.

Speaking of talking a lot - local government. I was on the Clarence Council from 2018 to 2022. There are no conventions about not speaking there until you make your first speech. I remember being chirped at for 'saying more in the *Mercury*' than I did in the Chamber when I first started.

The lack of a time limit on speeches in this place brings into perspective the 5-minute yawners some of my former Clarence Council colleagues would deliver.

I ran for Clarence because I wanted it to be relevant and in touch with its residents. Along the way I delivered on this with the campaign to try to save the Rosny Golf Course, introducing an inclusive play policy for playgrounds - which I believe needs to be turbocharged and implemented statewide - fighting for secretive property matters to be considered in open meetings, being the first elected representative to highlight and oppose the bin tax and working with dog owners to deliver a fairer dog policy.

I am a champion for local government and what it can deliver for local communities. I will miss it and I will miss seeing my former colleagues on a weekly basis, but I have some nice ones now.

Among many other lessons, local government taught me that politics is ultimately a numbers game and you get a lot further working with people but also that sometimes when you lose, you win, and to never interrupt your opponent when they are making a mistake.

There will always be critics of people in local government who run for state or federal parliament but let us face it, there will always be critics full stop.

Have any of these critics ever interviewed for a promotion or for another job or done a preseason in sport in a higher league? I am almost misquoting here but I remember Dad always said, 'Don't knock ambition and don't knock success'.

Speaking of Dad, before he was an Australian over-70s cricketer doing Silver Ashes tours of England - they actually have a national tournament in Tasmania this week and that is why he is not here - he was a teacher and a school principal. That meant we moved around a bit growing up. I am a product of Campbell Town District High School, Mowbray Primary School, Brooks High School, Newstead College, Jane Franklin Hall and the University of Tasmania.

I know from my time at those schools, Mowbray and Brooks in particular, kids have no less capacity than those at other schools but might not be quite as aware of the fact that they do not.

I have seen some absolute spuds with private school education when I was at uni and I have a lot of friends who probably did not go past grade 10 who I could not argue have not reached their potential.

The list of people I should thank is long enough for me to rival some of the records set for speeches in this Chamber and I know everyone wants me wrapped up before lunch. I thank my campaign teams - some of whom are here today - Stuart, Celeste, Kate, Stephen, Tom, Sam, Marcus, Martyn. I thank the grassroots volunteer doorknockers - Simon, Heidi, Heidi, Jimmy, Morris, Tahnee, Bish, Ash, Simon, Jakob, Lachie, Mark, Heather, Julie, Ben, Ollie, Michelle, Sam, John, Luke, Jordan, Isaac, Toby, Anne, Claire, Kev and Rach, and all the other people who gave up their own time to help me.

I thank the people who hosted my head in their front yards - especially those people who had never done so before or who usually had blue or green signs in previous elections. Thank you for hosting my mug in your yard for more than a month despite the risk of you going down a notch in your neighbours' books, which is actually true.

I thank former members of parliament - Michael Aird, Lara Giddings, Alison Standen, Bryan Green, Paul Lennon and others for their support, campaign advice and encouragement. I particularly thank former state MP and senator Terry Aulich. Terry is well into his 70s. I remember when I was sidelined with illness, he asked, 'Where are we going today?', and I said, 'I'm not going to be able to make it'. He asked, 'Where are we going?' and I told him we were in Howrah. He just went on his own. He had a few fliers and was just out grinding away. That is so impressive and the people I respect most and the MPs I respect most in our party are the ones who stick around and help out. It is amazing how Terry is still so willing to stick his shoulders to the wheel. As all members would know, there are some lonely times on the campaign trail where you probably think you are slogging away on your own and then it is Tuesday morning and there is Terry, flying along talking about the Swans. I thank Terry, the federal Parliamentary Labor Party (FPLP), Julie Collins, Catryna Bilyk, Helen Polley and their teams. Also particularly, Senator Carol Brown, who has been a supporter of mine for about a decade.

I have had a few tours of duty working with Carol and I admire Carol's application. It does not always grab headlines, but there are a lot of people she has helped who you would know about, and her passion around disability services, for example. I thank the state Parliamentary Labor Party (SPLP). We have Ella here today, hello; and I particularly thank Rebecca White for her unwavering support of me and my candidacy; and also, Pembroke's Labor Party member downstairs, Dean Winter, for his help and support.

Labor House, Stuart, thank you for all your support, I admire you so much for your dedication to getting Labor people into positions like this and for your work to support me as a candidate. It is a thankless job, as a state secretary. Well, I am thanking you now, but I see what you do and I appreciate what you do. Jane, even more, I recognise the amount of work that you put in, in and out of working hours, for the party. You are beloved by the entire membership base, but it is probably not put on record enough, so thank you.

I thank the unions in Tasmania for their support, particularly the United Workers Union and the Australian Workers Union, I also place on record my thanks to my in-laws, the McKenzie-O'Rourke family, especially Anna's parents, Philip and Marian, and Auntie Aileen, who joins us today, for their emotional and wide-ranging support of me and our family during the campaign.

Of course, I thank my family. Anna, if anyone has deserved a spell, it is you. It has been a hectic few days, even a hectic morning, actually. I was tracking Anna as she came in, you know how you can share location data. I was refreshing it because everyone is obviously filibustering their best to get to them in and it was like an OJ Simpson chase - she is going past Government House, past Murray Street, she is at the gate, she is downstairs.

Anyway, thank you. Yes, it has been a hectic few days, few weeks, few months, few years. You are the most dedicated parent to these three, you are a passionate educator, brilliant wife and undervalued campaign and comms strategist and average chauffeur. I have not been able to drive for four weeks since my operation, so poor old Anna has been driving me around as well, and I am a terrible passenger actually.

You are stronger than you know, you are the most determined person I have known. I love you so much. Anna and I welcomed Olive in late 2014. Olive is 8 next month and she is very excited about it. We are so proud of you, Olive, and the young person you are becoming. Next up, in late 2016 was the big news that we were told that we were expecting identical twins, well not we actually, it was just Anna. I was too busy with GBEs to attend that appointment, which we joke about now. It has given me a new perspective on work and life, missing that appointment, and 28 weeks in, it was time for Eli and Thomas to arrive. Those two little men in this room, who are five and a half, tipped the scales at 1.1 kilograms and 913 or 917 grams each. Eli held the title for the smallest person in Tasmania for some time. I am so proud of our boys and us as a family for getting to where we are now.

I could not let this platform pass by without making some comments on early intervention and child disability services in this state. Our family spent five-and-a-half years navigating what I guess passes in this state for early intervention services. If we were to sit back and take what we were given by doctors, services and the like, I shudder to think about where we would be now. Our son, Thomas, has a disability. He has a cerebral palsy diagnosis. We, and more specifically, Anna, have had to scrap for every leg-up that we can get for Thomas.

Unable to get real help from overburdened or stuck-in-their-ways services in Tasmania, we have turned to people on the mainland and overseas to complement local services and get our boy the help he deserves. We have met other families like ours who have cut and run from the state entirely and exclusively utilise services on the mainland, which you can imagine, would have been a lot of fun over the COVID-19 lockdown years.

I do not come in here to proclaim to have all the answers, nor to criticise those doing their best in this space. However, I do say that now that I am a member of this parliament, that at every step from diagnosis the system lacks the will and probably the resources to help our youngest Tasmanians. There seems to be a 'set and forget' attitude and a one-size-fits-all model with the state's most complex young people. I am afraid ignorance is no longer an excuse. We have an Australian of the Year in a wheelchair whose words I cannot top. If anyone is unaware of them, they should listen to what Dylan Alcott said in his acceptance speech.

How can it be acceptable that when young children go to the playground, the equipment provided to their parents, and/or the equipment at the playground or park means that that child stays with the parents while the other kids make friends? What are the knock-on messages to those other small people about people with a disability? How is a child at one of our schools supposed to make friends at recess in the playground when their support teacher takes them for a walk around the oval to keep them occupied? Attitudes have to change. The NDIS has opened up a huge opportunity for Tasmanians with a disability. There is so far to go in Tasmania as we have largely a sector that is living in a pre-NDIS world. NDIS is about empowering families and people with a disability, but my experience is that the empowerment and control is probably still being held by the old guard.

We are lucky in this Chamber to have a Minister for Disability Services, in the member for Rosevears, Ms Palmer, and shadow minister next to me in my seat, Ms Lovell and before her, Ms Siejka. I also listened intently, I think it was my first day, when the inquiry into disability services was debated. With a new federal minister for the NDIS, indeed the architect of the scheme, Bill Shorten, we can make significant inroads on behalf of those relying on us to do it.

After I was elected, Rebecca sent me an email that most new members have, a few pointers about your first speech. One of the things was, why did you join the Labor Party? I have given some insight but my friend, Tom, and I just walked into Labor House in 2006 to join. On and off since then I have been a branch member and a staffer. I believe in what we are doing and what we stand for. I still think the Labor Party's best days are ahead of it and the nonsense and nuisance of the past few years are where they ought to be, firmly in the rear-view mirror. My campaign showed that when we pull together and pull people from across the party, we can achieve anything. However, we need everyone in our movement on board the Labor bus for a tilt at the next state election. If you are not going to pull in that direction, you can hop off the bus. We are members of the Labor Party to try to win Labor government. I am not sure why else you would be a member.

Hopefully from my words today, you have some insights into what makes me tick and why I wanted to join this Chamber and represent my community. I am a product of public education, and as within the last month, I have relied on public health. So does my family. We need a parliament that is looking out for the state's best interests and delivering key services for all Tasmanians, especially our most vulnerable.

Politically, the vast majority of Tasmanians are in the middle, probably 80 to 90 per cent of us are not logged in to the hard left or hard right, so to speak. The reasonable ones mostly agree on so much and most people want governments of all levels to function and make their lives and the state better.

I am passionate about this state, I am passionate about the eastern shore and I want all of us to have relevant and in-touch representatives who work on solutions that benefit all of us. I am here to be constructive and build relationships, I am here to listen and come up with solutions.

Mr President, colleagues, friends and family in the Chamber and watching online, thank you for your patience both today and in the build-up to this speech and your attention today and for letting me introduce myself to you.

Members - Hear, hear.

STATEMENT BY PRESIDENT

Welcome to Member for Pembroke - Mr Luke Edmunds

[12.36 p.m.]

Mr PRESIDENT - Members, I congratulate the member for Pembroke on his inaugural speech in this Chamber. He clearly understands what a tremendous privilege it is to be elected to the Tasmanian Parliament and I am sure that he will give his best efforts to this place over the next two years. Pembroke tends to be an electorate that has more elections than some others, for whatever reasons, but in your time, I am sure you will be a tremendous contributor to Pembroke. All members here look forward to working alongside you for at least the next two years.

Members - Hear, hear.

[12.37 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - To echo your words Mr President, welcome to the member for Pembroke and I would say, the grounds are set.

I have quite copious answers here and hopefully this will cover what everybody has asked. We started with the member for McIntyre - and this covers a question for the member for Murchison as well. What is the process, timing and scope of the regulations?

The two members have made mention and questioned the process, timing and scope of the regulations to be made under this bill and also referred to the statements made by the department during the briefing on the matter. In response to this question, it is important to highlight the elements of the bill that are to be set out in regulation but also in other subordinate instruments, which I will now outline.

The regulations. Firstly, the bill provides significant regulation-making powers. These are most notable with respect to the scope and application of the bill. The bill provides at clause 9, that the bill will apply to a retail lease entered into, on, or after the commencement of this clause in respect to the lease for use of premises as retail premises. The bill defines 'retail premises' as premises other than excluded premises that are used or proposed to be used:

- (a) wholly or predominantly for the carrying on of any one or more of the businesses, or class of businesses, prescribed for the purposes of this definition ...

Therefore, the regulations will provide a list of businesses or class of businesses to which the provisions of the bill will apply. This is the approach as currently provided under the code. However, the list of businesses will be updated with consideration given to the approach taken by New South Wales under that jurisdiction's Retail Leases Act 1994.

In addition to the prescribed list of retail premises, there are 34 other references to 'prescribed' under the bill. These include matters such as form and content of a tenant's disclosure statement; the basis or formula that may be used to calculate or determine the rent payable by a tenant under the retail lease; and the prescribing of a body or person who may determine matters, including claims of unconscionable, misleading or deceptive conduct.

The determinations. Secondly, in addition to the regulations, the director is to make a number of determinations under the bill. Such determination-making powers are found in other Tasmanian legislation including, for example, by the Director of Building Control, under the Building Act 2016, and by the Administrator of Occupational Licensing, under the Occupational Licensing Act 2005.

These determinations, under this bill, are to cover a range of matters including time periods by which an action must be taken to comply with a provision of the bill at clause 17; a determination that is to be a code of practice for the purposes of the bill at clause 18; a determination that specifies the terms and conditions that apply to a retail lease at clause 19; a determination that specifies the form and content of a landlord's disclosure statements at clause 23; and importantly, a determination that is a retail leases guide at clause 21.

The bill requires that determinations be consulted on and must be provided for public viewing on a website of the department. Importantly, some determinations to be made by the director, are to be subject to provisions of the Acts Interpretation Act 1931, which provides that the determinations are to be published in the *Gazette*, and be tabled in both Houses of Parliament.

The determination that is the retail leases guide, is a key document that landlords must provide to prospective tenants. This important guide will include important information in clear language, informing the tenant of a range of factors that the tenant may wish to consider prior to entering into a retail lease.

It also talked about the process and the way forward. So, to the elements regarding timing and scope. The Government is committed to working closely with interested stakeholders, including the Law Society and the Property Council, throughout this process of drafting and consulting on the regulations, code, guide and other determinations.

With this bill providing for the interim continuation of the current code of practice regulations, there will be sufficient time to consult and liaise carefully and closely with stakeholders on the development of these key subordinate instruments.

The Government is also confident that several outstanding queries of stakeholders will be satisfactorily resolved and clarified under the subsequent subordinate instruments to be developed during 2023.

Work will commence early in 2023 on the drafting of these matters and stakeholders will be engaged early and throughout this key process. At this stage, it would be unwise to set an arbitrary deadline of when this would be completed, as the time frame will be determined by the outcomes of the ongoing consultation with key stakeholders, such as the Law Society and the Property Council. They will be consulted with.

However, the intention would be that this would be progressed as soon as is reasonably practicable.

The member for McIntyre also asked, were any other jurisdictions looked at in regard to the bill? A question was also asked if other jurisdictions, such as South Australia, were looked at during the drafting of this bill. As is always the case, the Government carefully examined the provisions across all Australian jurisdictions, in respect of their current retail leasing legislation. This also included smaller jurisdictions, such as South Australia and their Retail and Commercial Leases Act 1995. The Government has drafted this bill as appropriate for the Tasmanian market and the Tasmanian context. However, it does include some similarities particularly to the New South Wales and the Victorian legislation.

The member for Murchison also touched on this subject, as did the member for McIntyre. What examples of publicly listed corporations are to be excluded in the regulations? I was asked to provide some additional examples of publicly listed corporations that would be excluded from the operation of the bill. A point of clarification on this matter - and I believe this was the intent of what was discussed during the briefing, but the regulations may provide that listed corporations be excluded from the operation of the bill.

This will be subject to consultation during the process of drafting the regulations. However, the department did hear from a range of stakeholders who believed that it would be appropriate for Tasmania to follow an approach taken by Victoria, Western Australia, the ACT, South Australia, and the Northern Territory, who all provide a similar exclusion for corporations listed on the stock exchange. The reasoning behind this is that large corporations, as tenants, do not necessarily always require the protection that the bill is to provide.

The member for Launceston also touched on the question posed by the member for McIntyre, will Tasmania be the only state with no minimum term of lease? In general, only retail leases, for a duration of five years or longer, are currently covered by the code. This stipulation in the code is considered unnecessary and outdated. The Government has listened to the views of industry, businesses and stakeholders and has provided that, under the bill, retail leases can be as short as six months or less than six months, only if a tenant has continually been in possession under a lease of six months or more due to the lease being renewed or extended.

This is very similar to the revisions contained within the New South Wales Retail Leases Act 1994. New South Wales does not provide a minimum term of lease, since changes made in 2017. Similarly, Queensland also does not have a minimum lease term. The bill does not extend to regulate other rights to temporarily or intermittently occupy land or a building, such as a license to use land without exclusive possession; or casual stores - for example, at market.

This minimum lease term of six months then provides for flexibility to parties of retail leases, and will ensure that tenants who wish to enter into shorter leases than the code's current five year maximum will still be covered by the protections that this bill provides.

Still with the member for McIntyre, why does the bill not include a statutory demolition clause? Consistent with general legislation interpretation and freedom of contract principles, parties can agree to any lease clause, so long as such matters are not inconsistent with the bill. Supplementary material, including the retail leases guide, can outline this. The bill does provide that tenants must be given notice of alterations and refurbishments. The landlord cannot commence alterations or refurbishments of a retail shopping centre, unless the landlord has notified the tenant, in writing, at least 60 days before the alteration or the refurbishment commences; unless the work is needed in an emergency - and that is covered in clause 49.

The bill also provides that a tenant is to be compensated by a landlord, if the landlord causes the tenant to vacate the retail premises before the end of the retail lease, or any renewal of it, because of any extensions, refurbishments, or demolitions; and that is in clause 50.

Why a lack of uniformity with other jurisdictions? During the legislative drafting process, the department did turn to other jurisdictions to consider provisions that are provided across Australia with respect to the retail leasing laws, and I covered those other states.

This is a standard approach during policy decision-making and the legislative drafting process, to gain an understanding of how such matters may be regulated within other Australian states and territories. However, it is a standard approach that, when considering new laws, Tasmania will not plainly copy and replicate laws that exist in other jurisdictions. In the case of this bill, provisions within other jurisdictions were carefully considered and adapted, as appropriate, for the Tasmanian context.

The member for Murchison asked about pre-contractual matters being a must. The member made a statement regarding pre-contractual or pre-lease disclosure. The approach taken in drafting this bill places a focus on pre-contractual disclosure by a landlord as being a key feature. The mandatory disclosure requirements in the bill are based on the principles that there should be full disclosure across some charges to be payable under a lease. I think you mentioned a hedge. This is to keep dealings between tenants and landlords open and fair, and prevent tenants from entering into an agreement that they do not understand, or where they may be liable for costs or charges that they are not aware of. If, during negotiations, the landlord's costs or charges are not disclosed, or how they may be estimated, the tenant will not be required to pay for them.

You also queried about the current code provisions for mandatory pre-contractual disclosure. The code does provide for the provision by a landlord of a disclosure statement to a tenant. This is at section 6, part 2 of schedule 1 to the current code. The approach taken to the bill, however, is a clearer provision that intends to ensure that there is an appropriate balance between parties considering entering into a contract, and that the tenant may make an informed decision prior to entering into a retail lease.

The member for Murchison also asked about wash-ups. Why does the bill not provide, at clause 36, for a wash-up at the end of the period if there has been any underpayment or overpayment of outgoings. The bill does provide, at clause 37, that:

A tenant may request, in writing, a landlord to appoint an auditor for the purposes of providing to the tenant a report, for an accounting period specified in the request, ...

The auditor will then audit the outgoings specified in a written statement or written estimate of outgoings provided to the tenant.

Clause 38 then provides that there be an adjustment of outgoings if the auditor's report states that the outgoings have not been expended or charged in accordance with the estimate and relevant retail lease. In essence, if the auditor finds that the outgoings were not actually expended by the landlord, then there is to be an adjustment to take account of any underpayment or overpayment. The dispute resolution provisions at Part 11 of the bill would also be available for any parties wishing to address disputes in relation to outgoings.

The member for Murchison also asked which body or person will hear and determine disputes? Why has the new TASCAT not been mentioned in the bill? The dispute resolution function will be provided to the most appropriate person or body. This could be, subject to further consideration, the new TASCAT. Such decisions will be subject to the normal stakeholder consultation processes before the provisions in the bill commence.

The member for Murchison also asked about prescribed bodies for disputes - how does the bill help to address disputes? The bill offers a voluntary mediation pathway after the parties tried to negotiate but have failed to resolve the dispute. After receiving and accepting a mediation application, the director of Consumer Affairs is required to appoint a mediator and arrange a hearing date as soon as practicable. A lawyer or another individual can represent a party at a mediation if the mediator agrees that it is appropriate. Mediation often assists in narrowing issues in dispute, and can act as a catalyst for a subsequent settlement.

The settlement rate for mediation was also queried. There is a strong settlement rate for matters referred to mediation. Even if a matter does not settle at mediation, it is common for a settlement to be reached post-mediation, before the matter proceeds to trial. If parties will either not negotiate a resolution between themselves, or participate in formal mediation organised to resolve disputes, then either party may seek to take the dispute to the prescribed body for hearing and determination. Such a body could be the newly established TASCAT.

The member for Murchison also talked about the timing of the bill. The current instrument which regulates retail leases, the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998, is due to be repealed on 1 January 2023. Without passage of this Retail Leases Bill this year, there will be no retail lease laws in Tasmania from 1 January 2023, resulting in considerable uncertainty for Tasmanian businesses - including both landlords and the tenants.

In consultation with both the Law Society of Tasmania and the Property Council, it is clear that their desired outcome would be for the code's operation to be extended for an interim period, which would occur through passage of this bill. This would ensure that Tasmanian businesses are provided with certainty, in respect of retail leasing arrangements. Delaying this bill will only result in significant uncertainty and costs for businesses, including both landlords and tenants, which is especially concerning in respect of small business owners in Tasmania.

The mechanisms are provided for in clause 2 of the bill.

Clause 2(1) provides that:

- (1) Except as provided in subsection (2), the provisions of this Act commence on a day or days to be proclaimed.

Clause 2(2) then provides that:

- (2) This section [commencement] and section 88 commence on the day on which this Act receives the Royal Assent if the Royal Assent is received on or before 31 December 2022.

This is clarifying what the member said on her feet. She had it pretty right.

Clause 88 provides for the existing code of practice regulations - being the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 - will be taken to be regulations made for the purposes of this bill and will remain in force until they are rescinded. This provides that the existing code will be the laws that govern retail leases until such time that the remainder of the bill is proclaimed. This approach will allow the Government sufficient time to consult on the regulations, code of practice, retail leases guide and other determinations, before proclaiming the remainder of the bill.

The member for Murchison also asked, what are costs in shopping centres that could be passed to tenants? You mentioned advertising.

Ms Forrest - Advertising, promotion.

Mrs HISCUTT - As you stated, advertising costs, promotion or marketing costs can be passed to the tenants if they are disclosed to the tenant up-front. Clause 65 of the bill makes this very clear.

The member for Launceston asked a question about consistency of businesses: what are the types of retail premises covered by the bill? The bill defines 'retail premises' as:

... premises, other than excluded premises, that are used, or proposed to be used -

- (a) wholly or predominantly for the carrying on of any one or more of the businesses, or class of businesses, prescribed for the purposes of this definition (whether or not that business, or class of businesses, is carried on in a retail shopping centre); or
- (b) for the carrying on of any business in a retail shopping centre; ...

This approach closely aligns with the approach taken in the New South Wales legislation. Providing a list of business types is consistent with the current Tasmanian law, the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998, which has been supported by a number of stakeholders during the consultation period.

To ensure there are no unintended consequences, there is also scope for regulations to be made to exclude certain types of premises from the application of the bill. This prescribed list of businesses will be consulted on during the process of drafting the regulations.

Bill read the second time.

RETAIL LEASES BILL 2022 (No. 30)

In Committee

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

QUESTIONS

COVID-19 - Frontline Health COVID-19 Allowance

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

[2.30 p.m.]

Can the Leader please confirm that Tasmanian Health Service and Ambulance Tasmania volunteers did not receive the Frontline Health COVID-19 Allowance or any comparable payment?

ANSWER

I thank the member for her question. The Frontline Health COVID-19 Allowance replaced the COVID-19 Escalation Allowance which was agreed to in the Tasmanian Industrial Commission in October 2022. The Escalation Allowance did not apply to volunteers, nor does the Frontline Health COVID-19 Allowance. Volunteers are reimbursed for reasonable and approved out-of-pocket expenses. In addition, volunteer ambulance officers are also provided with access to the same mental health and wellbeing support as our paramedics.

The Tasmanian Government immensely values the incredible contribution and personal dedication of volunteers within the Tasmanian Health Service and Ambulance Tasmania.

TasTAFE - Funding for Staffing

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

[2.31 p.m.]

- (1) \$3.8 million was provided to TasTAFE in the last financial year for an additional 25 teachers. How many were employed with that funding and what was the cost?
- (2) How many TasTAFE education facility attendants' shifts were not covered with relief in the past financial year because relief staff could not be sourced?

- (3) What is the reduction in the TasTAFE casual education facility attendant hourly rate now TasTAFE employees are employed under the Fair Work Act? Is this impacting relief staff availability?
- (4) How many TasTAFE education facility attendant establishment positions are currently vacant?

ANSWER

I thank the member for his questions.

- (1) TasTAFE remains on track to recruit an additional 100 teachers over four years, in line with the Government's commitment taken in the 2020-21 state election. In the 2020-21 financial year, 12 teachers commenced with TasTAFE at a cost of \$1.6 million, with the active recruitment for the tranche continuing.
- (2) TasTAFE does not have this data. All efforts are made to ensure shift coverage is in place whenever needed.
- (3) No TasTAFE employee has had their pay reduced since the commencement of the Government's new business model. TasTAFE continues to attract suitable candidates for casual education facility attendant positions, with eight new casual attendants recruited since July this year. The casual hourly rate for education facility attendants employed under the Fair Work Act commences at \$30.24.
- (4) Three.

Literacy Advisory Panel - Community Consultation

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

[2.33 p.m.]

While the Literacy Advisory Panel is due to release its community-wide framework in March next year, according to the community consultation paper released in March, the draft of the community-wide framework was supposed to be released for community consultation in October. Where is the draft and can the Government please provide an update on the work of the panel?

ANSWER

Improving literacy in Tasmania is essential for improving social and economic outcomes, including health and productivity and to overcome intergenerational and regional disadvantage. This is why the Government established the Literacy Advisory Panel to provide independent advice to Government.

The role of the panel is to develop a community-wide framework to achieve a literate Tasmania and the aspirational goal of 100 per cent functional literacy.

In accordance with the Literacy Advisory Panel terms of reference, the panel will present the framework and the final report to the Premier next year.

The panel has met 14 times since September 2021 and is hearing from a range of people with extensive experience in literacy approaches. In addition, it embarked on the first round of community consultation to item one of the terms of reference, which was a review of the current literacy policies, approaches and supports in place in Tasmania.

This consultation ran from 4 February to 25 March 2022 and received 352 responses. There were 72 responses from organisations, 160 online responses to the survey, 98 responses through Facebook and 22 responses of lived experience through assisted submissions. A full consultation report with an analysis of responses was released on 30 August 2022.

In analysing this work, the panel identified there was a lack of responses from particular groups in the community. Further targeted consultation is being undertaken to address those gaps and to hear from Tasmanians with lived experience of literacy challenges, disability, incarcerated Tasmanians, regional Tasmania and youth.

This targeted consultation round will be completed at the end of November. It is important that the feedback from this targeted consultation is received before the next round of general consultation, which is expected to be the last before the panel delivers the framework to the Premier.

Smoking Bans Near Schools and Hospitals

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

[2.36 p.m.]

- (1) In 2017, the state Government gave a commitment to work towards increasing outdoor smoking bans. Has the current Health minister or any previous Liberal health minister contacted any local government areas about increasing smoking bans around schools and hospitals? If so, could the Government please table the correspondence?
- (2) What work has the state Government done with local government areas to address smoke-free areas around schools and hospitals that are within their jurisdiction?
- (3) Is the Health minister aware of concerns from mothers with infants and children using entrances to the Royal Hobart Hospital and being exposed to tobacco smoke?
- (4) Is the Health minister aware that smokers located around Ockerby Gardens near the Launceston General Hospital are contributing to tobacco smoke drifting into the birthing unit which is making mothers stressed and anxious?
- (5) The state Government previously undertook a project to assess smoking around schools and hospitals. Through the process, the Government claimed to have learned a great deal. What action has taken place since?

- (6) Is the state Government considering any legislative changes to give the Director of Public Health the ability to declare smoke-free areas in places other than events and concerts?

ANSWER

- (1) In 2019, the Department of Health commenced the Smoke Free Environments project to explore the possibility of enhancing smoke-free areas around schools and hospitals. The initial focus was on hospitals, in particular, the Royal Hobart Hospital and the Launceston General Hospital. Significant consultation with stakeholders was undertaken, including discussions with both the Hobart City Council and Launceston City Council.
- (2) The Department of Health works with local government in relation to creating and achieving compliance in smoke-free outdoor areas. This includes providing support, such as training for nominated officers and written guidelines to support the declaration of smoke-free areas. The Department of Health has been in discussions with councils in relation to smoking around hospitals. Further work to expand smoke-free areas around health and education services was planned for 2020. However, due to the COVID-19 emergency response, this work was temporarily postponed. The work has now recommenced.
- (3) The minister is aware of complaints in regard to smoking within the vicinity of hospitals. Significant consultation has been undertaken with key stakeholders, including discussions with local councils, about expanding areas around hospitals to improve the safety of these areas.
- (4) In relation to the issue of smoke drift at the Launceston General Hospital, Ockerby Gardens is located next to the hospital and is not a smoke-free area. Advice has been provided by Department of Health compliance inspectors to the relevant complainants and the occupier, Launceston City Council, on this matter. As council is the occupier, under the act, it has the capacity to make Ockerby Gardens smoke-free.

Expanding smoke-free areas around hospitals is a focus of our work to improve the health and safety of these areas. We will be having further discussions with local councils as part of this initiative.

- (5) The state Government recently released the Tasmanian Tobacco Action Plan 2022-2026. The plan commits to a range of actions and initiatives, including strengthening the environments that support the health of Tasmanians. This includes expanding smoke-free areas around Department of Health sites. Under the plan we also intend to expand smoke-free areas where children and young people learn, play and work. To achieve this, we will be working with our stakeholders and partners, including local government.
- (6) The Public Health Act 1997 provides any occupier of an area, the ability to declare that area smoke-free. The Department of Health works with local councils that declare smoke-free areas, to support the implementation of these initiatives that are designed to protect the health of the local community. In addition, as part of the

Tasmanian Tobacco Action Plan 2022-26, we will be developing a statewide approach to smoke-free areas, and working to implement consistent, feasible and acceptable ways to manage compliance in these spaces.

RETAIL LEASES BILL 2022 (No. 30)

In Committee

Clauses 1 to 7 agreed to.

Clauses 8 to 13 agreed to.

Clause 14 agreed to.

Clause 15 -

Functions and powers of Director

[2.44 p.m.]

Ms RATTRAY - Madam Chair, I have a question about resourcing. Obviously, the powers and functions of the director are critical to the implementation of this bill. I want it on the record, that the director and his or her team will be adequately resourced to carry out the bill.

Mrs HISCUTT - The compliance and dispute department - CBOS - is well resourced as it is, and they report back to the director. So, yes, they are well resourced.

Ms RATTRAY - Thank you, I appreciate that. So, there will not be any additional resources. There is a significant number of requirements for the director: produce model retail leases for viewing or sale; participate in any national committees; reviewing the operation of laws relating to retail leases. There is a humungous number of requirements. Just an absolute firm commitment, that should there need to be an increase in allocation of funding to carry out these roles and functions that that will be made available. Leader, I know you are not the Treasurer but I know you have some input.

Mrs HISCUTT - Yes, it will be resourced within the existing budget, including implementation.

Clause 15 agreed to.

Clause 16 agreed to.

Clause 17 -

Determinations of time periods

Ms RATTRAY - A quick question regarding the determination of time periods. It says:

...the Director may make a determination that specifies the time period by which an action must be taken by a person for the purposes of complying ...

There are some time frames for auditing and special audits and special retail value. What is envisaged that the director may need to give specific time periods for? An example would be useful.

Mrs HISCUTT - It is a catch-all in case something crops up. It could be if there was a rent review or something like that.

Clause 17 agreed to.

Clauses 18, 19 and 20 agreed to.

Clauses 21 to 25 agreed to.

Clauses 26 to 30 agreed to.

Clauses 31 to 38 agreed to.

Clauses 39 to 44 agreed to.

Clauses 45 -

Exercise of options to renew retail leases

Ms RATTRAY - With regard to clause 45(7), the Law Society suggested that this one needed to have inserted in this: 'If a tenant fails to comply with this', and it says 'section', and to insert subsection (5). Then further on down to subsection (4).

I am interested in whether that is one of the areas that will be discussed when there is that consultation with stakeholders. The other one, while I am on my feet, if I might, is (11), where the Law Society suggested that to make it perfectly clear, that despite subsection (10): 'if a tenant or a landlord initiate an independent valuation', remove 'in accordance with section 43', and then it goes on to say 'under subsection (9)'.

I would like a comment. I am certainly not moving an amendment. I am flagging that they were two that were raised by the Law Society. I would like the Leader's opinion.

Mrs HISCUTT - With regard to your first one, in subclause (7), the Government has considered if any changes were necessary in relation to that clause and this was not considered necessary and that the existing wording provided at clause 45(7) is sufficient.

With regard to subclause (11), this subclause provides that if an independent valuation of market rent is initiated by a party to the retail lease and the period in which to exercise the option to renew would otherwise expire while the valuation is being undertaken, then the period in which the tenant is to exercise that option is then extended for a month after the valuation has been received. This ensures that tenants are not then disadvantaged if the requested independent market valuation has not been concluded prior to the time within which the tenant would otherwise be required to exercise the option to renew.

The intent here is not to disadvantage a tenant. What the member is looking for is a commitment that the Law Society's amendments that were not adopted this time would be

consulted on in the future. We have that assurance yes, that will be happening, not only on these two but on everything the Law Society suggests.

Clause 45 agreed to.

Clauses 46 to 52 agreed to.

Clauses 53 to 59 agreed to.

Clauses 60 to 66 agreed to.

Clauses 67 to 74 agreed to.

Clauses 75 to 77 agreed to.

Clause 78 -

Limited right of representation

[2.52 p.m.]

Mr VALENTINE - This is in the same boat. One of the Law Society's requests for amendment was 78(b)(i), that the (i) be removed because it is talking about a corporation there:

- (b) may be represented by an Australian legal practitioner or an agent approved by the mediator only if -
 - (i) the party is a corporation; or

There is an undertaking to further look at removal of that as the Law Society is requesting. I want that confirmed.

Mrs HISCUTT - Following representation from the Law Society of Tasmania in April, amendments were made to the draft bill to specifically mention an Australian legal practitioner as well as an agent of a party. By its very nature, as we have discussed in briefings, a corporate body must be represented by a natural person and therefore an agent, including a legal practitioner, is appropriate. The mediator can also allow for representation for other parties if the mediator is satisfied that an Australian legal practitioner or the agent should be permitted to represent the party.

The provision provides appropriate discretion to the mediator to allow a party to be represented by a legal practitioner or another agent. Mediators are likely to have the issue of equity front and centre, when determining whether legal representation should be allowed.

This bill's provision is similar to the Queensland legislation, section 57 of that act, which provides that:

At the mediation conference, each party to the retail tenancy dispute -

- (b) may be represented by an agent approved by the mediator only if -
 - (i) the party is a corporation; or

- (ii) the mediator is satisfied an agent should be permitted to represent the party.

The member said it would be removed with consultation. It will be consulted with the Law Society again. We cannot guarantee we will do everything that they want, but it certainly will be consulted.

Mr Valentine - Further action will be taken to look at it.

Clause 78 agreed to.

Clauses 79 to 85 agreed to.

Clause 86 -
Regulations

[2.55 p.m.]

Ms RATTRAY - I am interested, obviously regulations have not been commenced or put together yet. How onerous does the Government consider that might be and how much of the previous regulations will be able to be transferred over? Just some idea of where the department is at in those important regulations. We know we will have some regulations stay in place until the new ones have been drawn.

Mrs HISCUTT - The regulations that support this bill will have to be sorted, remade. There will be nothing copied across because they have to support this bill, not the old code. The department will be starting on it in early 2023 with consultation. How long will it take? All I can say is, how long is a piece of string?

Clause 86 agreed to.

Clauses 87 and 88 agreed to.

Title agreed to.

Bill reported without amendment.

Third reading made an order of the day for tomorrow.

EXPANSION OF HOUSE OF ASSEMBLY BILL 2022 (No. 47)

Second Reading

Continued from 16 November 2022 (Page 16).

[2.58 p.m.]

Ms FORREST (Murchison) - Mr President, this bill seeks to address the issues related to workload and good governance in this parliament. I agree, there have been issues in the recent past that have highlighted these matters. However, there are issues other than an increase in the numbers of parliament which are being ignored. Structural problems were identified in

the recent Bolt report, Motion for Respect that go much deeper than the workload of Government members. My consideration of this bill, noting the large body of work needed to ensure parliament is an effective, well-functioning, adequately resourced and safe workplace for all is there is much more that needs to be addressed well beyond increasing the size of parliament.

These matters and the required change of human and financial resources to address them - yet, here we are, debating the additional expenditure that current estimates have not been provided for, the additional cost of adding 10 members of parliament to the House of Assembly and two additional ministers. We have appeared to overlook the reality that other costs will occur, broader than the additional MPs and their staff.

This change has been progressed at a time of record low levels of trust in politicians and a lack of understanding across all areas - including within government - of the importance of a well-functioning, and thus well-managed, parliament.

Mr President, in preparing my contribution on this bill, I read part of a book. I did not try to print the whole book, because it is very large. I want to refer to some of the comments made in this book, because it highlights the bigger body of work that needs to be done. It is written by Val Barrett who wrote it as part of a body work she has been doing. She is a long-serving, senior administrator who worked in the Parliament of Australia, as well as in the Legislative Assembly of the Australian Capital Territory - so, she comes with great experience and great knowledge in these areas.

I will read a couple of parts out of it. I am trying not to take anything out of context, but I want to capture some of the essential points that need to be considered in how we ensure a well-functioning parliament that does not just rely on having enough members to do the work.

She says in the book:

The research leading to this book was precipitated by evidence of a dissensus in management priorities among officials and members, a purported decline in public confidence in democracy and a lack of public engagement with parliament.

So, would more members fix that? Maybe; maybe not. She goes on:

The research drew four main conclusions, which have implications for the future management of parliaments. First, parliament is overwhelmingly an agonistic institution and competition between parliamentary actors for status, resources, influence and control has pervaded its administration and impeded reform. Second, in the context of parliament's role as a deliberative forum and broker of ideas, managing public expectations remains a principal challenge for its administrators. Third, parliament's claims to be unique and a consequent emphasis on differences rather than similarities with other public organisations have reduced the potential for learning from others. Fourth, a lack of constructive engagement with administrative issues from members of parliament has contributed to a vacuum of leadership in an institution where no one has overall authority.

This book may have raised more questions than it has answered. Mr President, she goes on to say:

Parliament's supposedly sovereign role ensures its place at the apex of the constitutional constellation, along with the other two branches of government: the executive and the judiciary. The doctrine of exclusive cognisance means that parliament, and only parliament, retains control of its internal business. Moreover, the adoption of the separation of powers, while not strictly applicable in the loosely defined Westminster system of government, is often called on to support the belief that the management of parliament, including decisions on its funding, should be carried out independently of the executive even though their powers are closely intertwined.

Parliament is indeed unique, or is it?

She makes a number of points expanding on those matters, but she says:

Fourth and, perhaps most importantly, public perceptions of the relevance and effectiveness of parliament have declined and the deference that politicians, institutions and officials could once count on has all but disappeared.

What a sad indictment, Mr President. This relates to other parliaments; but as we have seen in the Bolt report it suggests that there are problems here, too.

Members of the public do not appear to appreciate the enduring significance of the contest between a government's prerogative and a parliament's right to scrutinise, viewing it instead as the pursuit of power and self-interest by politicians from opposing political parties. This phenomenon has been accelerated in no small part by the rise of social media, enhanced mainstream media scrutiny and, paradoxically, even the broadcasting of parliamentary proceedings themselves. It seems that the more people know about politics, (and by extension parliament), the more disaffected they become. Parliament's public standing is also complicated by the fact that many people conflate parliament, government and adversarial politics, consigning them all to the same fate of poor public opinion, distrust and disenchantment. But the problem is also part of the cure: it is widely held that a lack of awareness and understanding about how politics and parliament work can equally feed into public disaffection.

She goes on:

This book is, indeed, a defence of parliament, notwithstanding its acknowledgement of widespread criticism through the decades. But it also argues that for parliament to remain relevant, inclusive and publicly respected, it must enhance management capability.

This book is available in the library if you want to have a look, and you can get it online. I urge members to have a look at it, because it could have been written about this parliament as much as the federal or ACT Parliament.

Why is this important? It is important to ensure the proposed change to the number of House of Assembly MPs is not seen as a solution to the lack of trust and respect in politicians, and also to ensure that other important work, particularly that outlined in the Bolt report and in the book that I have referred to, do not slip under the radar as this work will also cost money. It will require expertise and human resources. The question is - will this increase in members of parliament and ministers actually serve the people of Tasmania better? The other question that is of particular interest to the people of Tasmania, from my understanding of the public commentary, is, what is the actual cost?

I absolutely acknowledge there is a cost of not doing something here too, as there is a cost of not responding in full and appropriately to the other matters I have just referred to. However, it is right that, on behalf of the people of Tasmania, we should ask about the cost; acknowledging that there is a cost of not making a change to reduce the repeat of the impacts we observed over recent years related to the resignation of premiers and ministers.

We cannot stand here - I certainly cannot stand here - and tell the people of Tasmania what this will cost. The best we have is an estimate figure from 2019 that considered only a portion of overall cost of this particular measure.

We were told that \$5.9 million was the one-off cost to increase the numbers to 35 and two additional ministries, and \$6.5 million annually recurrent expenditure. This would, obviously, rise every year subsequent to the CPI increase at least. These estimates are out of date. Clearly, we have seen significant increases in inflation and the rest. These estimated costs only include additional costs associated with the Tasmanian Electoral Commission, costs of the additional electorate officers, ministerial staff, additional support for ministers and the additional members of parliament, and the additional work that will be required on the already existing 35 seats in the House of Assembly.

Mr President, for the life of me I cannot see why that even requires a significant investment of funds because there was a significant and fairly recent major upgrade of that Chamber that included the reservation of 35 seats.

Ms Rattray - Through you, Mr President, the member for Launceston and I went down and counted the seats this morning.

Ms FORREST - I did not need to count them to know they were there. I know they are there.

Ms Rattray - There are 17 on either side and a Speaker's chair.

Ms FORREST - Regardless of these known areas of additional cost, it does not consider the costs related to shared services which are an integral part of the operations of our parliament, or the impacts on the Legislative Council. There will be impacts on the Legislative Council which are completely unknown and not costed because this House was not even provided the courtesy of being consulted.

Why were we not consulted? 'We' being the Legislative Council; you, Mr President, the Presiding Officer, the Clerks -

Mrs Hiscutt - Through you, Mr President, a member in this House did respond to the consultation period.

Ms FORREST - However, they were not consulted.

Mrs Hiscutt - However, there were weeks of consultation available. There were four weeks, I believe.

Ms FORREST - You can defend it in your summing up.

Mrs Hiscutt - Okay.

Ms FORREST - I ask the question again, Mr President: why were we not directly consulted instead of being presented with a virtual fait accompli in the form of this bill?

We know that the Legislative Council Clerks and the Presiding Officer were not consulted, and the impact on shared services has not been factored in. We asked at the briefing and that was confirmed in the briefing today. How disrespectful.

That is why when I go back to the book I read, by Val Barrett, that talks about the important management of parliament, that can only occur if all parts work together.

As we have had no consultation with a significant and key stakeholder, I ask the Leader, how are Legislative Council members served by this change? How will this assist the Legislative Council members in undertaking our roles in engagement with the community and those we represent, with a single staff member to manage an electorate office?

All other parliaments have a greater allocation for their members and backbenchers than Legislative Council members. As Independent members, we need to research every bill and be equipped to scrutinise all areas of government. I do not think government members and even their Opposition MPs in the House of Assembly actually fully understand this workload.

In my time, I have seen a reduction in the reporting from the Auditor-General about government departments and businesses at a time when parliament should be receiving more. This is not a criticism of the Auditor-General. He does a great job with the resources he has at his disposal, and I understand it is a very tight jobs market there at the moment, and it is difficult to recruit in all these areas. I think all audit offices are finding it difficult.

We rely on the Audit Office and the work the Auditor-General does. We, as a parliament, I believe - and I have spoken about this, not so much recently, but a number of years ago, and bashed my head against a wall long enough to stop talking about it for a while - we need a parliamentary budget office to help us.

None of us in this House have a finance background. Other parliaments have them, an independent budgetary office. There has been no discussion with us, half of the parliament, in this process. It might not be half in numbers and members but it is half of the parliament. There has been no consideration of flow-on of cost to the committee systems that sit behind

much of the work that we do, nor the need for additional resources for MPs in this House. We have a vital role in scrutiny and holding the government of the day to account.

I know that there are members in the other place who might prefer we were not here. There has been moves and discussions from time to time about getting rid of us. They want to have a discussion, let us have a discussion.

The reality is that the committee system is vitally important and we are seeing much more of it, and it needs to be adequately resourced.

So, how does the parliament - which includes the Legislative Council - meaningfully and effectively engage with the people we represent? Increasing the number of the members in the House of Assembly does provide a greater pool to draw from, to fill the ministry, increasing to 11 from nine members. However, this does not, in itself, ensure in any way that the people who are elected in either House add to the needed capacity, necessarily, other than the number of members to work for the Government, which is what the bill is predominantly about. Nor the parliament as a whole.

I could - and I do it at my peril - talk about the salaries of MPs in this place. The lowest paid MPs in the nation and we have a similar workload to every other MP. I am not asking for a pay rise. I feel we are adequately remunerated, but I have had many people, including people in my electorate say to me, 'Why would anyone do it for that amount of money?'. Why would you put up with the public scrutiny, be on call 24 hours? The public scrutiny you get, the criticisms of yourself, the way you look, the way you dress, and some experience that more than others. All of that. Why would you do it? How are we going to attract people from the legal profession, the finance sector and accounting professions, and others, the corporate world, if you like? They would have to take a significant pay cut to do a job that has very little thanks at times.

We need to look at this as a whole and try to understand what the problem actually is, that we are trying to fix here.

I suspect the events that persuaded the Government to proceed with the increase in the House of Assembly numbers have been predominantly around resignations of members, like Will Hodgman, Peter Gutwein, Sarah Courtney, and others. They are all intelligent, capable people, the sort of people we actually need in public life. However, has there been any suggestion that their tenures would have been longer if there had been a couple more party members on the backbench at the time? I do not think so, I have not heard that as an argument.

Will spreading the ministerial workload across 11 instead of nine make all that much difference? I do not hear much discussion about reducing the number of ministries. At least think about that. Do we really need the number of ministries we currently have? Not ministers, ministries. We have had a minister who did not even have a budget item line to consider when we were scrutinising in budget time, not even a line item in the budget. There have been occasions where one line item has been shared between two ministers.

Mr Valentine - Frustrating.

Ms FORREST - Yes, I know, and then there is the ongoing folly of one department having multiple ministers. Every year, we get the budget papers and I need to check to see

how many ministers fall into the Department of State Growth. This year it was nine. There are nine ministers, that is all of them currently, in one department. The departmental head has nine ministers to look after.

Mr Willie - He would be able to find someone he likes working with.

Ms FORREST - You would hope so, but why are we not talking about that? Some ministers doubled up on ministries -

Ms Rattray - The Department of Communities had four ministers, I believe.

Ms FORREST - Yes, well not anymore. Anyway, some ministers have doubled up on ministries. Some have even had to deal with seven different ministers. So, there were nine ministers, but two of them were the same person. Can someone explain to me why this is the best way to organise government departments? We are having another change again now, so it is just a revolving door of changes.

Is the way departments are structured a contributing factor to the number of ministries and, as a consequence, the workload of ministers? Should we not be tackling that problem? Surely that is a problem that needs to be addressed.

Once you get to a certain age, there is a tendency to hanker after the past. I am not sure if I am at that stage yet, but we must be getting on the way to that stage where you look to the past. We had a bit of a history lesson yesterday. There is an element of that in the return to a 35-seat House downstairs, 'Oh, for the return of the good old days'.

However, hankering after the past often glosses over the reality of the time and ignores all of the things that have happened since. Yes, our population has grown and the world has changed and this response is in no way a panacea to the challenges these changes present. It implicitly assumes that all these happenings will not affect the revival of the good old days.

Since the good old days, we have seen an alarming increase in the number of ministerial advisers. We have seen a downgrading of the public service and a rise in consultants. We have seen an increase in the debilitating effects of increased partisanship. We have seen an increase in political interference in our public institutions. Let us not cherry-pick: if we go back to the good old days with 35 members downstairs, let us go back to the days where they were fewer party hacks imposed between the ministers and the public service. Let us rebuild the expertise inside the public service instead of outsourcing to consultants at a greater cost.

Let us acknowledge that almost all our issues entailing the delivery of services to Tasmania are best delivered by a nonpartisan body politic. The concept that politics at the state level is best conducted as a contest of ideas is plain nonsense. Let us tone down the partisanship. That is what I fear will be one of the adverse side effects of a few more members downstairs. More members to sit on the backbench committees or more members to waste time in hijacking the process with Dorothy Dixers? If they are government members or partisan gibes from Opposition members, will we actually be better off without addressing the other glaring problems that I have alluded to earlier. I suspect not.

We need a much broader approach to reform of practices within and of parliament and its operations. A review and improvements to operations are needed to ensure parliament can

adequately support all members, not only the Government members to do their jobs. Everyone agrees, the body politic is exhibiting serious ongoing problems. We have review after review, not only in this parliament, but every parliament that has had a review, same sad story.

All this bill proposes is to dress the body politic in a brand new suit and pretend it will be all okay. It will not. It is a worrying sign we are prepared to accept a quick fix when far more is required. Whilst I will not oppose this bill, it is not the panacea or the solution to the problems we have. We need a much broader look at the operations and management of parliament, the actual recognition of the parliament as separate from the executive. It is a completely separate beast from the executive and we must recognise and address that and we must fix up the workplace, both in the executive and in the parliament who are identified by the Bolt report, because if we do not do that, why would you invite more people in to be harmed?

[3.21 p.m.]

Mr GAFFNEY (Mersey) - I assure listeners I have not had a chance to speak to the member for Murchison about this bill, but we have similar views in some of these areas.

I have not had many of my constituents come up to me and say, 'Oh, good, Michael, 10 more politicians, your workload is going to be so much easier now, isn't it', because that is not how it is being viewed in my electorate. I want to make certain that people understand I will not support this bill and there needs to be more robust and considered dialogue and we have an opportunity here to do something that could be very good for the next 80 years, not only the next four or five.

For those listening at home, they need to understand, as members of parliament, of this place, we get a bill, it is 10-pages long and it says the Expansion of House of Assembly Bill 2022. We get three-and-a-half pages of a second reading speech from the Leader and a half page fact sheet and two-and-a-half pages of clause notes for this.

We do have reference to a 2020 committee inquiry report tripartisan from the lower House. In the fact sheet, and these are some of the things people may not know and I will not go through all of it, but it is not that long, the bill will amend the Constitution Act 1934 and the Electoral Act 2004 from 25 to 35 seats, each of the electorates from five to seven. As the member for Murchison said, increase the numbers of the ministers of the Crown from nine to 11, or where a secretary/cabinet has been appointed, no more than 10. The quorum of the House of Assembly by substituting 10 members for 14. Subject to being passed in the parliament, the amendments will take effect following the next expiration or dissolution of the House of Assembly.

The facts that were not included, and the member for Murchison highlighted them very clearly, what will this cost each year? Funnily enough, I can remember a 190-page bill that was passed in this place not that long ago, and one of the prime questions asked of that bill was how much it was going to cost us each year. In fact, the opponents of that act, of that bill, were saying it was far too much, it was two-and-a-half million dollars or something a year.

Here we have a bill in front of us and we do not know how much it is going to cost. Let us say, six-and-a-half million dollars. By the time it comes around I am thinking about \$9 million a year, ballpark.

Ms Forrest - That is without considering the cost to the shared services, so it is going to be more.

Mr GAFFNEY - Exactly. Another fact, and this is not intended to be against any member of this place, because every member in place does their job well, but the fact we have four Liberal Government members here and four Labor members, what it means is because Labor and Liberal supported this downstairs, this bill will pass, no matter what we say in this place as Independent members, because the Government and the non-government members will pass this bill. Therefore, that puts into question about the independence of this place. We do not, in this place, have the numbers to effect any change in this bill. When I said this morning, in briefing, it does not matter what evidence we provide, this will pass. Even though we do not know how much it is going to cost and all the issues the member for Murchison raised and other members will raise, this will pass, because the people in this place have been directed by their colleagues downstairs on how to vote. There is not going to be any change

Mr Willie - It is called collective decision-making.

Mr GAFFNEY - That is fine, but the reality is, no matter what we present to you as an individual, you cannot change your point of view because it is a party position. That is the reality. I am not saying here that people do not do a good job, I am saying, that is the reality and people in our land should know it does not matter what we as Independents come up with, this will pass.

However, it does raise an interesting conundrum. If the independence of the Legislative Council is compromised, it could be suggested we are not fulfilling our function and therefore perhaps we should do away with it. The Queensland Parliament consists of the King and the Legislative Assembly, and in accordance with their Constitution, the King is represented by the Governor, and the Queensland Parliament is unicameral, meaning it only has one parliamentary Chamber - the Legislative Assembly, the upper Chamber. The Legislative Council was abolished in 1922. There are currently 93 members of the Legislative Assembly who each serve for a fixed four-year term. Thus, in Tasmania, currently operating as a bicameral parliament, if we combined the Council and the House of Assembly, it could be a 40-member unicameral parliament. Plenty of ministers, plenty of back benches to do the work.

In Queensland now, that will allow 40 members, and what processes do they follow in Queensland as that parliament seems to be effective? Today, in Queensland, they involve a wide range of duties including examination of legislation, regulations, the scrutiny of government expenditure, the oversight of a range on independent bodies, the operations of parliamentary procedures and an investigation of any issue unto which the parliament may require a detailed inquiry. The parliamentary committees, as investigative bodies, are able to summon and examine witnesses, canvas public opinion, subpoena documents and papers, evaluate the evidence gathered and compile a report for the parliament, usually with a range of recommendations.

Members here, in this place, will be well aware of those processes, but many people in the public do not understand what happens other than sitting in this place.

Until September 1995, in Queensland, there were three types of parliamentary committees: standing, select and statutory.

Standing committees appointed for the life of the parliament, either by standing orders, sessional orders or resolutions of the House were the time-honoured committees which mainly dealt with parliamentary operations, including the Printing Committee, the Privileges Committee and the Standing Orders Committee.

Select committees can still be constituted and are usually appointed to investigate a particular matter and cease to exist after their final report to parliament, for example, the Select Committee into Ambulance Services. Other select committees like we have in this place, the Travel Safe Committee, which inquired, reported, made recommendations on all aspects of Queensland road safety, were reconstituted for the life of each parliament. Ongoing parliamentary work because they have 93 people.

A more recent phenomenon involves statutory committees. These are parliamentary committees established by and operating under their own legislation, but still comprising parliamentary members.

In 1988 and 1989, following a considerable period of pressure, the Ahern National Party Government instituted a Public Accounts Committee and a Public Works Committee. Two further committees were also established as a result of recommendation from the Fitzgerald Inquiry into police and public sector corruption. The Parliamentary Criminal Justice Committee, now known as The Parliamentary Crime and Corruption Committee and the Parliamentary Committee for Electoral and Administrative Review. Further committees were created by legislation in 1995.

By increasing the numbers in one House, they were then able to constitute a range of committees they were able to draw people into.

Since 2011, the Queensland parliament has adopted a system of portfolio committees. Most parliamentary committees are established permanently by legislation, usually the Parliament of Queensland Act 2001.

Ms Forrest - We did that in 2010.

Mr GAFFNEY - Exactly. The size and membership of a portfolio committee and the balance of members between Government and non-government members is based on a formula set out in the Parliament of Queensland Act 2001. It does not matter which party is in power in the cameral system; it does mean there is a balance of ideas and points of view within each of the committees, depending on the political composition of the Legislative Assembly at the time. The chair of a portfolio committee is nominated by the Leader of the House.

The Parliament will occasionally establish additional temporary committees to inquire into specific select issues. These temporary committees are called select committees. The committees comprise representatives from all political parties, with the chairperson either the Speaker, or a Government member. The operations and recommendations of parliamentary committees should reflect a non-political approach; but this does not prevent members from disagreeing with a committee's findings, or even issuing a minority report.

As mentioned, in the Queensland Parliament and the financial process, the portfolio committees and the committee of the Legislative Assembly examine the Government's annual budget by scrutinising the proposed expenditures of each department, along with the

parliamentary service, the Governor's office, statutory agencies and government-owned corporations, then report their findings to the Parliament.

The issue I have here, is that it could be argued that the unicameral system adopted by Queensland could be better placed than the current bicameral system we have in Tasmania and other larger states. There are other options that could also be considered - perhaps more like a council arrangement. Tasmania has a population of 570 000 people. Brisbane City Council has a population of 1.25 million people and they have 26 wards with 27 councillors. Tasmania, is 61 4000 square kilometres; East Pilbara is 380 000 square kilometres.

If my memory serves me right, when the original reduction to 25 went through, there was also a significant rise in salaries paid to the remaining MHAs to compensate for the work that they would have to do. So, if the Parliament is raised in the lower House of the MHAs to 35, should they take a significant pay cut to compensate for the lower workload? What is wrong with going to 30, instead of 35? The Speaker can step out to vote. What is wrong with looking for ministers outside the ruling party to take on the responsibility of the portfolio, based on ability and experience, not by party affiliation?

We are now seeing ministers - with all due respect - with very limited parliamentary experience being asked to fulfil roles they have not yet prepared for. That is not the fault of the individual, that is a flaw in how it is managed. I take you back to David Bartlett, who I consider as a friend. He was going to be a very good minister, and was going to be a very good premier but, because of what happened, he was rushed through that process too quickly. If you can remember that time, he was minister for Education. Before he could put thought into that, he was promoted to the premier's role, so therefore the Education portfolio did not have his full attention.

I asked my constituents, at the end of the day, should we have 10 more members of parliament, at a conservative cost of \$9 million or \$10 million a year, or put that \$9 or \$10 million a year to better use? Or, should we just expect our MPs to work smarter and harder? A minister needs to appreciate their own limitations. A smart minister is one who has smarter people surrounding them. Or should we just combine ministerial portfolios, so there are not so many? Or, perhaps, look at a system of handing over those responsibilities for MPs which may not be ministerial in nature. Some of those responsibilities with a line item do not have to be covered by a minister; they could be covered by a member of parliament who has the skills and the ability to see that through.

Or, are we saying that since 1998 Tasmania's Parliament has not been working effectively or correctly? I do not believe that to be the case. Now is the chance to have a more practical and objective discussion about what type of governance and parliamentary processes should we have in place for the next 80 years. What do we want our Government to look like? Is this the system that in 80 years time we are leaving to people, our future generations? Is this the best way forward?

Now we are changing it back to what it was. I am thinking, why was it changed back then? It must have been running so well, but they changed it back then because there were issues, and now the solution in the reformation is to take it back to what it was because our workload, apparently, is more.

I am also concerned that minority government is so frowned upon in Tasmania and Australia. It works exceptionally well in other developed and advanced countries. If I go back to when we had the hung parliament where we had 10, 5 and 10, we had better legislation coming through at that stage than we do now. We had better legislation, because it was compromised; it was amended; it was evaluated; until it came to us. Now, because the Government has the numbers downstairs - and it is not this Government, it could be any government that has the numbers - they do not have to work that hard. The legislation comes up here and we have to amend it. I can honestly say that when we had the hung parliament - 10, 5 and 10 - we had better legislation and we had fewer amendments. I also liked the fact that a minority government is supported in a number of European countries and it does very well, because the diversity of our communities is expressed in its representation.

I understand the reason for going to 35 is so that we have a more diverse range of representation, and that is right. However, unfortunately, this opportunity for political reform by just arranging the deckchairs and going back to something that probably was not working that well before, does not seem to be very bright to me.

Ms Forrest - They had fewer ministries then.

Mr GAFFNEY - Exactly. So, on those thoughts, I hope some of my constituents who are listening will understand that I will not support this bill. I am not against reform; I am not against change. I do not think there is a reason to hasten this through; and I do not like the fact that we do not get a real say up here that is going to influence enough people so that they will change their mind.

Ms Forrest - Particularly, not consulted.

Mr GAFFNEY - Yes. Therefore, I will not be supporting this bill. I look forward to listening to the contributions of other members.

[3.37 p.m.]

Ms ARMITAGE (Launceston) - Mr President, it is important in this place to be circumspect about our comments on the happenings in the other place. However, we are mandated to express the views of our electorates and Tasmanians do have opinions on this policy, and many of them are held quite strongly. I must admit, I have not heard from too many in my electorate one way or the other about this.

Ms Forrest - You will after it happens.

Ms ARMITAGE - I probably will, after it happens. However, the comments that this place, at the moment, is not as independent as it have been in the past, does not mean it will not be more independent in the future. Things change; numbers change.

Ms Rattray - There were 11 independents here, at one stage.

Ms ARMITAGE - That is right; it does change and go up and down. I cannot agree with a unicameral parliament, as in Queensland. I am not sure that Queensland works all that well. I Googled about the advantages and the disadvantages of unicameral parliaments and it said:

A major advantage of a unicameral system is that laws can pass more efficiently. A unicameral system may be able to pass legislation too easily, however, and a proposed law that the ruling class supports may be passed even if the majority of citizens do not support it.

And:

A bicameral legislature is more accountable to the electorate than a unicameral legislature because the bicameral legislative process is more open to public view.

I would certainly agree with that.

Essentially, we need a parliamentary system which works, which is fit for purpose, adequately represents the interests of the Tasmanians it serves, is meaningfully able to make legislative change and carry out executive functions, and is able to administer public functions effectively.

Tasmanians deserve good governance and responsible and accountable public officials. Will an additional 10 seats in the other place enable this? Should it be five seats? There was a committee that had their findings. I was not part of that committee. I have read the report and, as we all know, the committee process can be quite robust.

There is merit to the notion that a greater number of members will result in constituents having better access to the elected representatives and a fairer spread of workload amongst ministers. It does give the parliament a greater pool of talent from which to draw, but you look at the number of portfolios and are there too many? Has it been split too wide? In the past, there were fewer ministries. Has it been divided up too much? These are all questions I cannot answer.

It should be considered, what additional resources will be needed to facilitate an additional 10 members. This will require funds for 10 additional officers, additional staff, additional support and resources to keep everything running smoothly. We cannot put a price on a properly funded parliament, but I am conscious of the resources that will be needed to carry out this expansion.

I agree with other members, it would have been good to have had an accurate estimate of the actual cost of these increases. As the member for McIntyre said, having heard in briefings this morning that work needed to be undertaken in the other House to accommodate 35 members, we did have a bit of a look and a count of the number of seats there and saw 17 on each side. Hard to imagine what work needs to be undertaken to accommodate 35 members because 35 people could fit in there quite comfortably as it is. I am not sure what the work is to be undertaken and these are questions that would have been nice to have been able to be answered in briefings.

I am not going to oppose this bill because they have had a committee and made their decision downstairs and I am quite comfortable with the number we have in this House

Ms Rattray - It was not a committee of the parliament, it was a committee of the House of Assembly.

Ms ARMITAGE - That is true. It would have been good to have had a joint House committee. One of the concerns I have, is when we have briefings it would be nice to have all the information for questions that are asked. Not all the information was available and I have to agree with the member for Murchison that many of the questions could not be answered. That was unfortunate, particularly to do with costs, it went back to 2019. It would have been nice to have had some current costs and up-to-date answers. I am a bit surprised to have briefings and to not actually have all the answers we needed.

I will not oppose the bill before us, but it would have been good to have had more information in the briefings.

[3.42 p.m.]

Ms RATTRAY (McIntyre) - Mr President, the increase in the number of members for the House of Assembly. Do I actually know what all the people who I represent in McIntyre think? No, I do not. Have I had much contact from the electors of McIntyre? No, I have not. Have I canvassed in a huge way? No, I have not. This has been talked about for a while, but I was not expecting that we would be required to deal with this by the end of the year. I was somewhat surprised when it was put on our paper to deal with.

We had a bit of a history lesson yesterday from the member for Nelson, but I did also very quickly, over the past week, find some information. It was interesting on the background to the reduction in numbers in 1998, there were three main arguments put forward. Claims that Tasmania is over-governed, the problems of hung parliaments. We have heard some comment from the member for Mersey on that and some of us have lived through a hung parliament in this place and the member for Mersey is absolutely right. We did our work, legislation came up, we had the Estimates process, we had the GBE process, what they did in the other place, it managed to get legislation here and the third point that was put forward in 1998, was the economic future of the state.

There were fewer numbers of people living in Tasmania at that time. You could say, that yes, we did not need as many members of parliament.

When you have a look at the myriad political press comments around that time - and I had a look at quite a few of them. Parliamentary Research and the Library were kind enough to put quite a few together.

A lot of it was to do with the 40 per cent pay rise. Justifying a 40 per cent pay increase and having less numbers.

Ms Forrest - 40 per cent, never forget.

Ms RATTRAY - 40 per cent, never forget. The former member for Hobart, Doug Parkinson, talked about that and there will be some people in this place who will remember that well.

Ms Forrest - He was probably the member for Wellington at the time.

Ms RATTRAY - Actually, you are right. He would have been the member for Wellington at the time. So, we talked about that.

Most of the articles are not so much about the workload or anything like that. It is all about the pay rise. Then it gets into a lot about whether you need a Legislative Council or not and that has been canvassed here as well today.

I will not be voting myself out of the opportunity to represent the people of McIntyre. Others might have a different -

Ms Forrest - Just laying your colours on the table.

Ms RATTRAY - Well, they deserve representation. I put my hand up to do the job and I want to continue to do that job until there is something else put forward.

I do not exactly fully know what the people of McIntyre think, but I generally know that most people think we do not do very much, get paid a lot of money and we spend a lot of time away from home. We do a lot of driving if you are some of the members that have large electorates.

Do we need any more of us? They probably would say no if I asked them outright, and then when you say, well you know -

Ms Forrest - A lot of them say we should be paid more.

Ms RATTRAY - Not many who I represent.

Ms Forrest - Those who do not agree with that, do not want you to even be paid \$5 an hour. They do not agree with it, but those who recognise your work say - they do. Seriously. I am not making this up.

Ms RATTRAY - That is possibly quite correct, but no, it is generally but then, when you pose the question, do you think that I am of value? They often say, 'Oh yeah, you do a really good job'.

The member for Montgomery. She does a really good job. The member for Murchison, excellent job, but collectively, we all seem to be put in the one bucket of being paid too much and not working hard enough. Yet we have seen, as it has been already stated, a number of people leave the parliament, and we do not know. We can only assume the explanation provided that they need or would like to spend more time with their family and this role does not permit that.

That is pretty much the standard line. I want to spend more time with my family, for whatever reason that is and this job just does not allow for that.

Mrs Hiscutt - A little bit of time with your family would be nice.

Ms RATTRAY - A little bit of time. It is interesting because when you put your hand up for this job, it is pretty clear what it takes.

It takes a lot of your time and there is no manual for the work that we do. The member for Pembroke will be finding this already, you just come in and you learn as you go. It is seriously a learn as you go.

You will find you will have a lot of support, particularly from members in this place, and you belong to a party and you will have that support. You talked about that in your inaugural speech and I said it to you outside the Chamber after your speech. It was an excellent speech, and I will congratulate you on that.

You know what you are in for, really, and in that respect I am not entirely sure we can say we did not realise how hard it was going to be. I have never been a minister and so, I have no real understanding of the workload that goes with being a minister of the parliament. I want to put that on the public record.

Here we are, back to the increase. Do we support it, or not? The member for Mersey is exactly right. It will not matter whether, as an Independent, I support it or not, it will go through this place because of the agreement by the two main parties, and with the support of the Greens.

However, by interjection I did say as the member for Launceston was speaking, the committee that undertook the work to look at the increase of size in parliament was a committee of the other place. It was not a committee of the whole parliament. There have been a number of times where we have been invited to be part of a committee of the whole parliament.

I have criticised those committees in the past because it tends to be very difficult to bring the members together on a regular basis. It can be quite challenging. I know the member for Mersey may well agree with me that the future gaming committee was a difficult and challenging time for a joint House committee of the parliament, bringing members together. I am not saying that having members from the Legislative Council would have come up with any different outcome, but perhaps it would have been nice to have been included, invited, asked, consulted with, all of those.

Mr President, the point you made in the briefing this morning - and I thank the Leader for organising that. Even though I did not find that we had a lot of answers, and other members have already touched on that. We have no idea really what this is going to cost and the impact on the entire parliament.

I thought your comments were absolutely relevant about that because it does. The committee work, we have joint House committees, all of those things, that are important. The member for Mersey went through all those committees and the obligations to those.

I also put in the mix, should there be an increase in the size of the Legislative Council? If Don Wing was still in the parliament, he would have said you need to be proportionate to the other place. He talked about that many times in this House. Do I want another boundary change? Not particularly, but again, that would not be a decision of mine.

Mr Willie - You went pretty well after the last one.

Ms Forrest - What are you complaining about?

Ms RATTRAY - I appreciate the positive feedback from some of my colleagues. They are very kind. However, that is a question as well. The 19 to 15, when we went from the 35 to 25. I know that if I do not mention that, Don Wing would feel like I had not been listening to his contributions during his time in this place.

Was that even considered? Will it be considered?

Mrs Hiscutt - It was discussed and I said I had heard no rumblings from the members here wanting to be included in that. So, if you are offended, that is my fault. I am sorry.

Ms RATTRAY - I do not think you should have to -

Mrs Hiscutt - I was asked, and I said, nobody has said anything to me about that.

Mr PRESIDENT - You could test the bill with an amendment if you would like.

Ms RATTRAY - It is clear, Mr President, that the members of this House take their role very seriously. Everyone in this House works extremely hard on legislation, on the work they do in committees and in their electorates. I would have no hesitation in backing that up, but also saying it outside in the public arena. I have said that to many people.

Increasing the number of ministers from nine to 11, they will need to buy about three more cars for a start. Otherwise there would be people sitting at the front of the parliament, lined up with an Uber, trying to get a lift home. We already know that the pool does not actually allocate for the number of people who are allocated, or the number of positions that are allocated for vehicles.

That in itself, the increase in the fleet - and we already talked about the increase in staffing, in electorate offices, and the big question in the community is: will there be as many advisers, the unelected, the unaccountable, in some respects?

Will some of those be allocated to other positions, perhaps taken down? I do not think you can be taken down a band, once you are on a band, I think that is it.

That is an interesting question as well. We do not have an answer for that, I believe. I am interested whether the Leader can provide some advice, for pure interest's sake. When it says about amending the quorum of the House of Assembly by substituting 14 members for 10, it would be nice to see a few more members in the other place from time to time. Sometimes you turn on the television and notice that there are very few members in the other place when the sitting is happening. If they are ministers, they are probably outside in their parliament offices catching up with meetings, whatever. I have not been a minister, I do not understand.

It also says in our fact sheet, 'require that notice of the appointment of a minister or the secretary to Cabinet be advertised in the *Gazette* as soon as practical after the appointment occurs'. I just thought that was a given. I found it even interesting that that was part of this bill. I thought that that would be something that would happen as a matter of course. That is interesting itself.

The question is, will this increase strength in public accountability and transparency? I do not know the answer to that. I do not know whether increasing the size of the House of Assembly that has been proposed by this Government, supported by the Opposition, supported by the Greens, and I suspect, supported by the Independent member for Clark as well -

Ms Forrest - And Franklin.

Ms RATTRAY - Pardon?

Ms Forrest - Is there not an Independent member for Franklin?

Ms RATTRAY - Apologies to the Independent member for Franklin.

Ms Forrest - We would not like it if they forgot about us, would we?

Ms RATTRAY - No, that is right. So supported by everyone in the other place. That support has transferred to this House by the means of whatever that is. I respect the way that you operate amongst your parties. That is entirely your business, and the people of Tasmania have supported that in the past.

Is there any point in opposing it? No. Do I hope that it does deliver and strengthen public accountability and transparency? Absolutely I do. The cost of it, the figure that the member for Mersey suggested as an annual increase is probably more on the money than the 6.1 that we were provided with from the 2019 costings at the briefing today. We will want to hope that it does bring and deliver a better parliament, a better representative parliament for the people of Tasmania. Otherwise there are going to be a lot of us with egg on our faces.

[3.58 p.m.]

Mr WILLIE (Elwick) - I appreciate other members' contributions. There has been a whole range of matters raised. That is despite some of the criticisms of the major parties and the motivations of the major parties. There has been some good historical context as well. I respect Independent members in this place. I do not necessarily expect them to understand how we work within the parliament, around collectivism, that we have shared values, that we subscribe to those values and we make collective decisions because we think that we can influence change. Being in the Treasury benches, in particular, is a very good position to influence change for the betterment of Tasmania.

I respect all members of parliament and the views that they bring, and the ways that they work in the parliament. We have all been sent here by our electorates and our communities. I will cover that briefly.

We are also custodians of the Westminster system, as well as being representatives, and it is our job to defend the best system of government in the world. We are very fortunate to have Westminster democracy here in Australia, despite all its faults. You only have to look across the globe in the current circumstances to realise how fortunate we are. Yes, we can improve our system, and that is incumbent on all of us to do that. I take that role very seriously as well, even though members of parliament can be their own worst enemies in that regard at times too, in the way that the conduct of business can happen.

I was interested that the member for Mersey has a very strong value around this House being Independent. This bill will impact the upper House. I am surprised that he is opposing the bill. It will impact the upper House in this way. If you have 10 more seats in the lower House and you have major parties wanting to win government, they have to find candidates for all those seats. I suspect, if this bill passes, that you will find that the major parties redouble their efforts in the House of Government - the Treasury benches - because they want to win government, and potentially there will be fewer political representatives here in the upper House.

Ms Forrest - Despite the fact that they are still going out looking for candidates to run against Independent members, which they have done in previous elections.

Mr WILLIE - Which they are entitled to do.

Ms Forrest - Yes, but if you are saying they are not going to do it, well, I think they still will.

Mr PRESIDENT - Just wondering if any member has an announcement they would like to make?

Mr WILLIE - No. It will have an impact on this House, and the member for Nelson raised some questions about committee work of this House, and being a House of review. Having ministers in this House does limit the number of members available to do that work. These things are all worthy of discussion.

Some of the points being raised in terms of priorities is an important one as well, and the costs associated with this change. We do not know what the exact cost will be. Just last week, we had public servants out here on the lawn, thousands of them, fighting for better pay and conditions, and we are in here debating this, this week. That highlights this Government's priorities and some people may question that. In terms of the support for this bill, only six submissions were made in the consultation period. To pick up on something that the Leader said in her second reading, that the six submissions were all supportive. That is not actually technically correct.

Ms Forrest - The whole six?

Mr WILLIE - Five were supportive and one was conditional, and I will raise this because I know the member for Nelson did, but I want an answer to this question too. It was about Dr Kevin Bonham's submission. He said that he supported the bill if, and only if, the following conditions are met:

- (1) At the time of the bill's introduction the Government commits to resourcing the TEC to conduct a major multi-member voter education campaign aimed at not only ensuring voters are aware of the need to number seven boxes but also at combatting the three commonest forms of unintended informal voting, omission and repetition of numbers, multiple first preferences and the use of ticks and crosses.
- (2) At the time of the bill's introduction, the TEC be asked to prepare a report identifying any and all savings provisions that can adopted to reduce the number of votes disallowed as informal without severely compromising the operation of the voting system or the accuracy of the ballot paper instructions, with a view to legislating any provisions thus identified by the end of 2023.

I raised that in the briefing, Leader, if we could have some clarity from the Government, whether it is going to resource the TEC to have a look at these matters that have been raised in the submissions, or in a submission. I will be interested in that, and to correct that statement that all six were supportive; five were, one was with these conditions being met.

There has been a lot of public discourse about this. Some of the points raised by different members are all worthy of further discussion, whether it is Aboriginal seats in parliament, fixed four-year terms, two-thirds majority to vote for future changes, the issues raised by the member for Murchison on the operations of parliament and the separation of the executive from the operations of parliament, the Bolt Report and those changes being implemented are important here too.

All of these things should continue in the public discourse. They are not being presented to us today in the form of this bill, but they should continue as important areas to discuss reform and the governance that we need into the future.

The bill amends, as other members have said, the number of ministers from nine up to 11, that is more than 1998 where we had a maximum of 10. Having the additional members in the lower House may provide more time for members of parliament to do their apprenticeship for a ministry, to serve more time in the parliament and to understand the systems of the departments, how they interact with parliament

Mr Valentine - More work coming up here.

Mr WILLIE - More work coming up here, yes and we have seen a number of ministers suffering from burnout and they have said that on their way out the door, it has become too much, and that will provide some more flexibility.

Committee work in the other place may be more robust. There may be more committees established. You are correct and other members are correct with regard to the additional costs to the parliament's finances. Committees do take significant resources, if we have more members asking more questions, delving more deeply into issues, then that is going to come at a cost with regard to the committee secretariat and all the provisions that go with that.

We talked a bit about the costs, perhaps this might provide a saving too. If we have more questions being asked by more members of parliament, there may be less waste in government, there may be more scrutiny on programs that may not deserve funding. There may be a push from more cross-sections of the community to implement positive changes that are a saving to government. It is hard to quantify that and I understand it is easy to say this is the cost, but it is very hard to quantify what the savings might be across all of government over time.

Ms Rattray - Or even assess if there are any.

Mr WILLIE - Or even assess if there are any, it is that question. In theory, there should be, if members of parliament are asking the right questions, then using the forums of parliament that are available to them and scrutinising decisions being made by the public service and members of government in the executive, then potentially we will see savings and better governance and better programs to change lives.

There are so many questions with regard to this bill and questions that will continue on from the passing of this bill. This should not be it, in regard to governance reform. We should always be looking to improve our parliament, the institution of parliament, its functions, the way we conduct ourselves as members of parliament, our own knowledge, encouraging the public to participate and increase their understanding because representative democracy thrives when we have an engaged citizenship that cares and believes in parliaments to implement

positive change. We are certainly suffering at the moment because there is not that belief or that trust.

I support the bill. I hope some of the positives of this bill that have been mentioned in this debate and outside of this House and in the other place, come to fruition but as I have said, the reform does not stop here.

[4.09 p.m.]

Mr VALENTINE (Hobart) - I have not been lobbied on this to any great extent, some questions were asked. Obviously, you spend a lot of time in your electorate and talking to people and the general feeling there is the reduction in the first instance was wrong; it should never have happened. It happened for the wrong reasons and most people now appreciate that - even in this parliament.

Ms Rattray - A couple of former members have both expressed the view that had they had their vote again they would not have supported it.

Mr VALENTINE - That is right.

Ms Forrest - It is in hindsight.

Mr VALENTINE - That has happened.

The resources are interesting - I heard the member for Murchison's comment in regard to that and I happened to come across an ABC news release which talks about the costs back in 2019 - it was at that time an initial cost of \$7.9 million and approximately \$7.2 million each year ongoing.

Ms Rattray - They are different figures than what we heard this morning.

Mr VALENTINE - That was different but this morning in the briefing we have \$5.9 million initial and \$6.2 million ongoing in 2019. I do not know what has happened there - whether they are looking at different papers but the Electoral Commission report which was provided to the Premier from the Electoral Commissioner in June - I might be wrong there.

Anyway, the more recent one talks about the costs from his perspective and he says the five electorates with seven members cost in the vicinity of \$100 000 for election and the costs for seven electorates with five members was around about \$300 000 in election plus two years with \$2.5 million added on to that. Quite significant when he did the analysis. The Electoral Commissioner does not come down on one side or the other; he leaves that for the Government to decide and clearly, the Government has decided, yes, they will go with five electorates and seven members. It will reduce the quota required which some would say then is much better for democracy and you have a better level of representation - that is around just over 12 per cent that would be required.

There are some comments that have been made in this release which came from the submissions made and it encapsulates it all quite well. One comment was from Richard Herr. They say his submission says that:

Some savings could also be expected by reducing the number of minders and support staff that have been employed to compensate for fewer parliamentarians since 1998.

It must be the case that more minders have been employed. How can you possibly, as an individual person, handle five ministries, probably six in one case - is that right? Get your mind across all of those ministries and be right up to the minute with everything that is happening in that portfolio. Clearly, you need minders to help you to do that. That is a huge workload for anyone to undertake and obviously, those minders would have grown in number since the reduction in the number of elected members.

Professor Herr is right in what he says there that it could be expected to reduce the number of minders and support staff. He goes on to say in this release:

In terms of value for money, being ineffectual is more costly than being effective and efficient.

One of the members mentioned that efficiency is important for us. However, trying to get across all those portfolios and needing other people to do the work for you, in a lot of ways, must lead to some degree of ineffectiveness. So, having more members, portfolios narrowed down for those who are ministers - in other words, a greater number of ministers for the workload associated with being in Government - has to improve effectiveness and efficiency. That would be a given.

He says:

The current numbers are too low to meet the House of Assembly's core function in our system of responsible government, holding the Government to account.

That is what we do here - we hold the Government to account and we review the bills that the Government sends up to us, and we also scrutinise their operations and the like. Well, if there are more members downstairs, as I just said by interjection to the member for Elwick, then obviously the amount of work that we receive in this Chamber is likely to increase. If the amount of work in this Chamber is likely to increase, then we would have to think about whether the numbers we have here are, indeed, sufficient to do the work that is being sent up.

I hear what the member for Mersey says, in terms of perhaps taking a step back and looking at the whole structure and having a further look at how things operate. It is interesting. I do not have an affection for the unicameral system, as the honourable member might -

Mr Gaffney - I do not have an affection for it; I said it was an opportunity to explore it.

Mr VALENTINE - That is fair enough. Thank you for clarifying that. This place provides a very valuable role for the people of Tasmania. Think about the number of amendments that are made to bills when they come to this place. Think about the opportunities that are taken to improve bills. Think about the opportunities that members of the public have to come in and talk to us and lobby us, when they have not felt that they have the opportunity to be heard by the other place. It is a powerful function that we have.

Ms Forrest - The committee work is equally as important. So much work goes there that is not seen.

Mr VALENTINE - Absolutely, it is. That brings me to one of the points in terms of the numbers in the other place, the backbenchers are taking a lot of the workload for the committee work. There are lots of committees that exist that backbenchers have to do the majority of the work for, because ministers are obviously so busy doing their own portfolio work. There are sessional committees, such as the one on gender and equality. I do not know whether you have ministers on that?

Ms Forrest - We have Nic Street, Minister for Hospitality and Events, and a couple of other things.

Mr VALENTINE - We do. We have two ministers on the Integrity Committee. There is the Public Works Committee, the Public Accounts Committee, the Subordinate Legislation Committee - generally, those committees do not have ministers on them.

Ms Rattray - The Subordinate Legislation has the Leader of the House on it, which is very generous of her.

Mr VALENTINE - Yes; but Public Accounts does not have any ministers, does it?

Ms Forrest - No. The act says it cannot.

Mr VALENTINE - That is right. What I am say is, the backbenchers have to carry that load. There are some backbenchers who must nearly tear their hair out because they have to get across so much. Having more members in the other place would improve the attention to a lot of that committee work. That committee work is so important. As for the numbers in this House, if they are going to send up more work for this House to look at, then we would seriously have to look at the numbers here.

Ms Rattray - Through you, Mr President, if the work comes too quickly and members are not able to cope with that, then we have that opportunity to say that you have to adjourn until we have the appropriate information.

Ms Forrest - While we have the numbers, that is the case.

Mr VALENTINE - Well, that is exactly right. The member for Murchison is right as well. The important thing to remember here is that the more the work, then the more we may want to set up inquiries. Of course, you can only do so many inquiries. I know on one occasion this House had five going, and it was too much. I consider that having greater numbers down there would be a benefit.

As for this place, people were talking about partisanship and numbers of independent versus numbers in the parties. I value the input of every member in this place when they are on their feet, talking about bills. I really do. That is the benefit of this. As much as I possibly can, I do not go in with my mind made up. The opportunity is there to listen to other points of view, to perhaps modify where you think you might land on a bill. That is, to me, part of what we do here. It is the review process. Independence is very important in this place. The reason

I believe that, is that for every member you get of a party, that is generally with a bill, one less voice you hear on the Floor.

I greatly value the voices on the Floor. I am not the font of all knowledge and never, ever would put myself out there as being that. Most Independent members here would feel the same, in terms of wanting to hear other points of view. However, if it becomes too dominated, then you would have to think, as the member for Mersey has said, where is the benefit of it? How is it doing its job in terms of holding the Government to account?

Ms Rattray - Through you, Mr President, as I said earlier, by interjection, at one stage there were 11 independent members and only four party members. Things change. The make-up of the House will always change.

Mrs Hiscutt - Through you, Mr President, I thought the maximum was five Labor members once.

Ms Forrest - There were six when I came in. Then it went down to one, the honourable President was on his own.

Mr PRESIDENT - We went for a quality over quantity model at that point.

Members interjecting.

Mr VALENTINE - Well, I cannot say, Mr President, that I agree with you, otherwise I will offend three others who are in this Chamber.

Ms Rattray - I am making a point that things will change; the make-up will evolve.

Mr VALENTINE - It does change. However, as somebody pointed out, with party membership getting behind their candidates, they are a pretty powerful force. It makes it that much harder for independents to get the toehold.

Ms Rattray - Through you, Mr President, when the member for Pembroke was thanking his supporters this morning, I was absolutely green with envy because I did not have enough hands to keep up with the number of supporters he had. That is the difference; or it can be.

Mr VALENTINE - It is the will of the people at the end of the day - It might have been the member for Elwick who said that - and we have in this place who we have. It will change over time; sometimes more parties, sometimes fewer parties. That is the way it runs. I value the voices around the Chamber, and the more voices I can hear, the better, on particular issues.

The ministerial spread that the member for Murchison was talking about, is a real issue. I looked at the Estimates and it is a bit of a nightmare, to be honest.

Ms Rattray - It is a nightmare for the secretariat, trying to work out who sits where and when.

Mr VALENTINE - It is a nightmare for them. However, the more ministers you have, the better off. If we could somehow line up the ministers with the departments, for Estimates,

that would be great, so you do not get halfway through Estimates and someone says, 'oh, you will have to ask about that portfolio tomorrow'.

Ms Forrest - On the same line item.

Mr VALENTINE - We have to ask that in a different committee. That is so frustrating.

Ms Rattray - Then when you ask it tomorrow, you get the answer you should have asked it yesterday.

Mr VALENTINE - Yes, we all know what is like. I am not going to rabbit on anymore. I appreciate the offerings that have been made. I appreciated the history lesson that the member for Nelson gave us; that was interesting. There is an advantage in having more members downstairs. I also believe that, eventually, we will have to look at the numbers in this House if we want to be able to hold the Government to account if the workload is going to increase.

Ms Rattray - We will have an even smaller electorate then.

Members interjecting.

Mr VALENTINE - Two streets and Parliament Square, perhaps. It is an interesting idea.

Ms Rattray - I will get one fewer town - 66 and not 67.

Mr VALENTINE - I still have only one council to deal with.

I support the bill and I will listen to any further comments.

Recognition of Visitors

Mr PRESIDENT - Before I call the honourable Leader, I welcome the Premier, Mr Jeremy Rockliff, to the public gallery today who is observing this debate, and probably thanking whoever that he is not in the Legislative Council.

Members interjecting.

Members - Hear, hear.

[4.27 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the Premier is very keen to observe this. I thank everyone here for their thoughts and their suggestions. When it comes to the independent members in this house, I truly have to concur with some of the comments the member for Elwick made: you are all loved and respected. I want that clear.

Members interjecting.

Ms Rattray - Through you, Mr President. I am sure it never went that far.

Mrs HISCUTT - That was my call.

The Government took quick, decisive action on reforming the House of Assembly. While it is a significant reform, the bill itself is quite small, and four weeks did appear to be an adequate time for Tasmanians to respond to the bill and put forward any of their concerns. Any other member, or anybody as a private citizen was quite welcome to have put a submission in.

It was confirmed this morning that the Government received only six submission, and all of them were in favour; except for the qualification that was mentioned by the member for Elwick.

Further, it was outlined during the briefing that consultation is currently underway with all interested parties, including the Clerks of both Houses, should this bill pass. The costings were discussed. It is updated costings; they will occur as part of the 2023-24 Budget process.

I have quite a few responses here for the member for Nelson. I will go through and put them on the *Hansard*. She asked, to what extent has the lesson being learnt, particularly by those with political parties, other organisations and sectors which drove the initial 1998 cut? That is a matter of those organisations and people, but the Government is here today to restore the Legislative Assembly.

Will the TEC be resourced to undertake a major, multimedia voter education campaign to ensure voters are aware of the need to number seven boxes? I have another supplementary to that later; but yes, the Tasmanian Electoral Commission will be resourced to undertake the education campaign. The Tasmanian Electoral Commission will modify its awareness campaign to highlight the requirement to mark seven preferences for the formal vote, and the Government will work with the Electoral Commission on that. The commission will also amend its instructions to staff to remind each elector of the new formality rules when handing out House of Assembly ballot papers.

The ballot paper instructions will include the new requirements and the Government trusts that the overwhelming majority of voters will not have any issues with the new system, and for those who do, the commission's educational materials and instructions will assist.

Will the Government task the Tasmanian Electoral Commission with the education campaign or research? When will that be undertaken, and will it be done prior to the first election under the new model or the new bill?

Under the Electoral Act 2004, voter education is a matter for the Tasmanian Electoral Commission. An education campaign will be carried out prior to the next election in 2025. Recently, the Government introduced compulsory voting at the local government elections, and a campaign was run to support that change. The Government will work with the TEC to undertake a similar process should parliament pass the bill.

Then the member for Nelson asked, what about the exhaust rate of votes raised in the public submissions? The issue of voting and invalid votes, and voting protocol, is a matter for the TEC.

Does the Government intend to progress the matter of reserving dedicated seats for Tasmanian Aboriginal people in the parliament, and why has that not been addressed in this

bill? Such a significant and important reform would require deep and broad engagement. It would need to be underpinned by culturally appropriate consultation, respectful consideration, and dialogue that is Aboriginal-led.

The Tasmanian Government is committed to continue our journey towards truth-telling and treaty in partnership with all Tasmanian Aboriginal people. We are currently working to finalise the membership of an advisory group comprised of Aboriginal people who will co-design, with Government, a clear and defined process for truth-telling and treaty. We expect that this issue would explore, during the process, the truth-telling and treaty.

The Government also notes the Australian Government's commitment to a referendum, to enshrine a voice to parliament and will be watching this process closely, as Australia progresses down that pathway.

Then the member asked, why will you not introduce fixed four-year terms like other jurisdictions?

We note other jurisdictions have introduced fixed terms, as in Queensland in 2016, and other jurisdictions have taken the question of fixed terms to the electorate. In 1995, New South Wales held a referendum on fixed terms. Over 75 per cent of voters voted in favour. The 2016 vote in Queensland was less resounding, with just under 53 per cent of votes in favour of fixed terms.

We have no plans to introduce fixed four-years and if we did, such an amendment to our parliamentary process would require significant consultation and consideration.

The member for Nelson also asked, why was the consultation process not utilised to also canvas further amendments to the Constitution Act of 1934, requiring either referendum on any future structural and/or composition changes in either House of parliament, or at least requiring a two-thirds majority vote?

If a provision protecting the parliament by a two-thirds majority were to be implemented, it would be open to a future parliament to simply revoke it.

While the Government is serious about restoring the House of Assembly, we do not seek to grind the axe of future parliaments. To attempt to do so in the bill, would complicate this process and place these important reforms at risk. Each parliament is entitled to consider issues on their merits, in the context of the circumstances of the day.

Ms Forrest - The same argument applies if you want to sell the Hydro.

Mrs HISCUTT - The member also asked why have you changed the name of the bill? When you put the bill out to public consultation it was called Expansion of Parliament Bill 2022, what else has changed? The feedback through the consultation process was that the bill relates to the House of Assembly rather than parliament more broadly.

The Office of Parliamentary Counsel determines the titles of the bills and agreed to make the change. There has been one other change since the bill was put out to public consultation. We have taken steps to approve accountability and transparency in ministerial appointments so that ministerial appointments are advertised.

Ms Forrest - Gazetted.

Mrs HISCUTT - The member for Murchison also asked this question, along with the member for Nelson, why was the Legislative Council not consulted? The Council was not consulted because we do not dabble in the business of other Houses.

Ms Forrest - What rubbish.

Mrs HISCUTT - I did put my own comments in there as well, member for Murchison. While both Chambers come together to carry out our parliamentary functions, including the committee system which plays an integral role in examining issues of concern to the Tasmanian community, each Chamber operates independently. The Department of Premier and Cabinet and the Department of Treasury and Finance are consulting with parliament to inform the budget bid. DPAC will ensure the member's concerns are considered.

Ms Forrest - Good, that is a positive step anyway.

Mrs HISCUTT - The member for Murchison asked, why have you sought to restore the number of the House of Assembly and not the Legislative Council? We went through that.

We talked about MP's salaries. All parliamentary salaries and allowances are set under the parliamentary salaries act with annual increments determined by the Tasmanian Industrial Commission. You also mentioned the Bolt report. The Government agrees the independent Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services is an important reform to ensure a safe and inclusive workplace, where they are respected, valued and supported. I am advised there is a meeting of the joint standing committee in coming weeks and the Government looks forward to working with this committee.

One last answer for the member for Elwick. The Government is working with the TEC to provide resourcing to the TEC to run an education program. I covered that in a response a little earlier. The Government, DPAC, and Department of Justice will work with the TEC to review and identify savings provisions in the current system.

That has ticked off on all the questions. I commend the bill to the House.

Bill read the second time.

EXPANSION OF HOUSE OF ASSEMBLY BILL 2022 (No. 47)

In Committee

Clause 1 -

[4.38 p.m.]

Mr FARRELL (Derwent) - I exercise my right to speak on clause 1 because it is the only opportunity that I get to make a contribution to the bill and it is important, not only in my role as member for Derwent but my role as President of the Chamber, to get a few things on

the record and to make sure the best interests of the Legislative Council are represented in this debate.

I acknowledge the Premier for bringing this on. There has been a lot of talk over many years, in fact probably since the time numbers were reduced, about the increase in parliament in the lower House, and it has generally been accepted by those studios that it was the right move. I know that it had been talked about by many leaders of both colours for a long period of time, but it was never the right political climate, some might say, to bring this on. It is difficult legislation to sell to the public, the need for more members of parliament.

We have all probably witnessed how the parliament has failed over a period of time with the smaller numbers. We have had a number of prorogations, we have had a number of members leave. Each time this happens it affects the committee structure because we have to go through and move motions to put new people on committees to keep that very important part of parliament operating.

Parliament's sovereign role in our system of government or democracy ensures its place at the apex of the constitutional constellations. The parliament sits supreme, along with the two other branches of government, being the executive, which is made up of the ministers of the day, and of course the judiciary which is the court system.

It is important to remind ourselves of what the role of the parliament is: in a nutshell it is to pass law, appropriate money from the Public Account to spend on government services and grants, inquire into matters that warrant inquiry and to scrutinise the governments of the day through question time, committees and the other tools we have available to us.

Our parliament is made up of members representing the people who elect them, and from those members a government is formed. We have a bicameral parliament - and I will spend a few minutes on this if I may - and government is formed in the lower House.

It was mentioned in a contribution about the Queensland Parliament and the unicameral system, and how well that works. The whole history of that, 100 years ago, was a party that decided to abolish the Queensland upper House so they could have more control.

Ms Forrest - A Labor party.

Mr FARRELL - It may well have been a political party that will remain unnamed -

Mr Willie - Queensland Labor Party.

Mr FARRELL - who abolished it for political advantage, to have more control in their lower House. Since that time, there has been the famous Joh Bjelke-Petersen gerrymandering system. There was Campbell Wilson elected premier when he was not even sitting in parliament, did a term and was spectacularly thrown out.

Members - Campbell Newman.

Mr FARRELL - Sorry, Campbell Newman. I will correct that on *Hansard*. That showed to me that system of parliament was not secure and proper. We have also had other

members make comments about when we handle national law that some of it that comes through the Queensland Parliament is not as robust as it is through other parliaments.

We have a good system with our bicameral system and I will defend that to the end.

There have also been conversations about the independence of the upper House here. That is going to change from time to time. People elect who they want to represent them. There have been times when there has been a large number of party people in here; there have been times where there have been very few party people in here, and that is something that is going to change over time.

We know it is not always a minority government and our system has worked to accommodate the will of the electorate in delivering members to the House following election. In my time, I have been witness to and participated in a minority government, and that developed an executive to share power to provide the functioning of a parliament. Some saw that as good government, others saw that as a bad government. The same is true for a majority government. Sometimes they work very well; sometimes they do not. It depends on how that power is treated by the people involved in it.

I raise these issues as the parliament's public standing and reputation is often confused by the fact many people merge parliament, government and the whole thing together. They mix up the tactics that are played out for political gain with good governance. This has contributed to low public opinion, distrust and people becoming disenfranchised from the processes of government. This is not just the general public either.

I note in the Leader's speech and briefings there is an assertion that DPAC and Treasury will work to sort out the resourcing requirements for the parliament to be incorporated into the budget. We accept that the Government sets the budget and the parliament has little control of its own purse strings. As such, we must bid for money like other entities.

It is of concern that at this place, and me as a joint employer through Legislature-General, have not, to date, been involved in discussions about the resource requirements for an increase in the overall size.

I have joint responsibilities, along with Mr Speaker, for employing people in a shared service space and I would imagine in addition to new members and their advisers we will need additional resources, including IT, library research, offices, and that goes on and on.

As both President and member for Derwent, I want to raise this awareness and question the purpose of the parliament and how we best can undertake our roles and contribute to institutional reform. Increasing numbers is one of the tranches but we need to be realistic about how this will affect the parliament as a whole, and it is the parliament as the whole. The comments that it is not to do with the Legislative Council were not correct. The parliament is the House of Assembly and the Legislative Council - that makes up the parliament so each interacts with each other; each is dependent on each other. We must remember that. Quite often, through executive government, I do not think this is always kept in mind that parliament is supreme and government does its own thing. There is quite often a lot of control, or attempted control, that comes through the Department of Premier and Cabinet and we need to make sure that we as a parliament are very aware of that.

One of the matters that exacerbated this has been the Motion for Respect - and Madam Chair, you mentioned this - we are not alone. Many Westminster parliaments in the country and overseas have had similar reports and are working to make changes. This not only requires goodwill and changing personal behaviour but it will require a significant investment. All these changes require significant investment and there is no getting away from that but it has to be done properly. It has to be done with genuine consultation, and genuine consultation is not being invited to put a submission into an inquiry. It is actually as a major stakeholder being sat down in a room and working through the issues. We have not had that and we need to fix that before we go any further.

Our administration costs are not insubstantial and the challenges that we face with this cultural change and modern technology and upskilling is going to take a lot of money.

Increasing the size to serve democracy and enhance concepts of representative and responsible government are very important to our community and the functioning of parliament but we cannot be so naïve to think these changes will not require additional funding.

A bigger parliament will mean more members and at the very least more office space, staff to service those areas, security, cleaners, meals, research, library. There will be increased contributions so that will have a roll-on effect to *Hansard* staff. All these are handled by a joint House structure called Legislature-General and that seems to have been the forgotten element of this whole discussion.

I cannot stress enough - it is the parliament, not just the lower House. While it appears that this change may not affect this space because it is to do with numbers in the lower House, not only will it affect the support services, it will affect the way the parliament operates and we need to make sure that these are all put in place before we go any further. There have been various figures thrown about regarding the cost of this exercise but there has been no actual facts and the public will be keeping a close eye on this and if it keeps blowing out and out, it is not going to be good for any of us.

As President, and on behalf of the Legislative Council, I would expect greater consultation and collaboration across the parliament with the executive to work through this. I request that the Government commits to working through this restoration with solid involvement of the parliament because, after all, that is what it is about. It is about the parliament, even though its title does say, 'Expansion of House of Assembly,' it has an ongoing effect.

I ask if it passes, which it looks likely to do, that we can be guaranteed by the Government that it will be done in a properly consulted and effective and respectful manner.

[4.50 p.m.]

Mrs HISCUTT - The Deputy Secretary of Policy and Delivery, would be pleased to meet with the President to discuss the implementation and to collaborate on that.

Clause 1 agreed.

Clauses 2 to 3 agreed to.

Clause 4, 5 and 6 agreed to.

Clause 7 to 8 agreed to.

Clause 9, 10 and 11 agreed to.

Clause 12, 13, 14 and 15 agreed to.

Title agreed to.

Bill reported without amendment.

[5.53 p.m.]

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

That the third reading of the bill be made an order of the day for tomorrow.

Motion agreed to.

ADJOURNMENT

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

That at its rising the Council does adjourn until 11 a.m. Tuesday
22 November 2022.

Motion agreed to.

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

That the Council do now adjourn.

The Council adjourned at 5.54 p.m.