



**PARLIAMENT OF TASMANIA**

**HOUSE OF ASSEMBLY**

**REPORT OF DEBATES**

**Thursday 24 June 2021**

**REVISED EDITION**



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**Thursday 24 June 2021**

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

## **MESSAGE FROM LEGISLATIVE COUNCIL**

### **Attendance of Ministers from the Legislative Council**

**Mr SPEAKER** - Honourable members, the following message has been received from the Legislative Council:

Mr Speaker,

The Legislative Council desires to inform the House of Assembly that it agrees to the request of the Assembly in its message dated 23 June 2021 and has granted leave to members of the Legislative Council who are ministers of the Crown to attend the House of Assembly if they think fit, so as to respond specifically to questions without notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

C Farrell  
President, Legislative Council  
23 June 2021

## **QUESTIONS**

### **Infrastructure Budget**

**Mr O'BYRNE question to PREMIER, Mr GUTWEIN**

[10.02 a.m.]

The March quarterly report shows that in the first nine months of this year, you had delivered just \$318 million of the nearly \$1.1 billion Infrastructure budget. With the current financial year drawing to a close, can you update the House on what you expect the final infrastructure spend to be?

### **ANSWER**

Mr Speaker, I thank the Leader of the Opposition for that question and the opportunity to talk about what is our very strong program to create jobs in Tasmania.

There is one matter I want to put on the record before I answer that question. It is to note the very strong association that Queechy High School has with this Chamber: I am a former student of that fine public institution, as is Mr O'Byrne and his sister. I believe it would be a most unusual circumstance if both the Premier and the Leader of the Opposition came from the same public high school. Good on Queechy.

In terms of Infrastructure, you will need to wait until the Budget is released and the update is provided on the year's Infrastructure spend, but I can assure you it will be much higher than it was at the end of the March quarter.

We set out to ensure that we would have as close to full employment as we possibly could in this state. In the middle of last year we received advice that by the end of the year we would have 12.25 per cent unemployment and our economy would be going into recession. The plan we laid out last year was, first, to keep Tasmanians safe and, second, to ensure that we brought forward a record Infrastructure spend designed to provide confidence to the private sector. We heard that if confidence disappeared there was a view we would see the private sector back itself out of the investments it was making and we would have been faced with the forecast that was provided by Treasury of 12.25 per cent unemployment.

We reannounced a record Infrastructure spend which, first and foremost, delivered confidence to the Tasmanian economy - and guess what, Mr Speaker? Right now we have one of the fastest growing economies in the country and jobs have returned to pre-pandemic levels and, in fact, are higher than they were before the pandemic.

Importantly, we are hearing from the civil construction sector, the residential construction sector and the commercial sector that the most unusual of circumstances are occurring. It is not normal for all three sectors to be going flat-out. We know that the industry has capacity constraints. The reason for that is they have confidence because we have a record Infrastructure spend. The private sector has come back and that is creating jobs and driving our economy. Right across every sector of our economy we are seeing employers raising the single biggest challenge they have - and it is a great challenge to have - and that is that they cannot get enough workers.

Mr Speaker, our plan has worked. Our plan has kept Tasmanians safe. Our plan has kept confidence in the Tasmanian economy. Our plan has ensured our economy is growing as one of the fastest in the country and, importantly, it has created jobs.

**Government members** - Hear, hear.

### **Budget Surplus Commitment**

**Mr O'BYRNE question to PREMIER, Mr GUTWEIN**

[10.07 a.m.]

Do you remain committed to your election promise of a budget surplus in 2022-23?

### **ANSWER**

Mr Speaker, I thank the Leader of the Opposition for that question. We will return to surplus when we said that we would return to surplus. I must admit I am glad that I am not trying to shoe-horn \$3 billion-worth of promises into our budget, as the Labor Party made quite recklessly in the election campaign.

Tasmanians have come to know and understand that this side of the House will deliver. What we said we would do last year was to keep Tasmanians safe, which we did. We said we

would ensure that we hung on to and generated more confidence. That is exactly what we have done. We have a strongly growing economy that is generating the revenues we need to ensure we can invest more into health and education and other essential services, and deliver on all our election commitments. It will ensure that the pathway to return to surplus and the pathway that we laid out can be met.

### **MMG - Alternative Sites for Tailings Dam**

#### **Ms O'CONNOR question to PREMIER, Mr GUTWEIN**

[10.08 a.m.]

Yesterday you took great delight in vilifying the Bob Brown Foundation over its scientifically legitimate method of tracking -

**Government members** interjecting.

**Mr SPEAKER** - Order. Ms O'Connor has the call.

**Ms O'CONNOR** - That is exactly right. It is the same method used by DPIPW and, to an extent, the Tasmanian Land Conservancy, but go on, guffaw.

You took great delight in vilifying the Bob Brown Foundation over its scientifically legitimate method of tracking threatened and endangered species on the site of MMG's proposed toxic mine dump in takayna/the Tarkine. Tasmania Police has confirmed no offence was committed and has returned the cameras used by BBF.

As Premier, your words have real weight and consequence in the wider community. So when you, with no factual basis, demonise conservationists, it increases community tension and risk to individuals. Will you apologise to the Bob Brown Foundation for unjustly and dishonestly vilifying them in this place? Your own economic and social recovery advisory council highlighted the disconnect between the clean-green perception of Tasmania and the reality. A case in point is takayna, one of the world's last great wilderness areas, threatened by the policies of your Government, and now by a toxic mine dump. Why have you not stepped in to work with MMG on alternative sites for the company's new tailings dam?

#### **ANSWER**

Mr Speaker, I thank the Leader of the Greens for her question. The questions that I posed yesterday - and to be honest I do not have advice as yet that they have been answered - was did the Bob Brown Foundation possess the relevant authorisations to take wildlife under the Nature Conservation Act 2002? I do not know if that has been answered yet. Were the requirements of the Animal Welfare Act 1993 met? Was any permission sought to go onto the lease of the mining company?

**Members** interjecting.

**Mr SPEAKER** - Order. Member for Clark.

**Mr GUTWEIN** - I do not have advice yet on those matters. What concerns me is that once again you have demonstrated your reckless abandonment of the livelihoods of Tasmanians. That mine supports 400 jobs -

**Mr Barnett** - Five hundred.

**Mr GUTWEIN** - Five hundred jobs, thank you, minister for Mining. What you would seek to do is shut that mine down and stop those jobs.

**Ms O'CONNOR** - Point of order, Mr Speaker. The Premier is misleading the House. We have asked him why he is not working with the company on alternative sites.

**Mr SPEAKER** - Order, Ms O'Connor. It is not a point of order.

**Mr GUTWEIN** - I am going to the nub of the issue. The nub of the issue is that the Greens recklessly want to put at risk and abandon the livelihoods of nearly 500 workers at that mine site, and their families and the future of that town. There is a process which has been gone through by the mine and that process needs to take its course. What you want to do at every opportunity, as I say, is recklessly put at risk the jobs and livelihood of the people in that mine and the community that surrounds it.

**Ms O'Connor** - That is a lie.

**Mr SPEAKER** - Order, Ms O'Connor. You will withdraw that comment.

**Ms O'Connor** - I withdraw 'lie'. It is an 'untruth'.

**Mr SPEAKER** - It has to be done without qualification.

**Ms O'Connor** - You cannot use the word 'lie' in this place, so I withdraw it. A lie is a lie.

**Members** interjecting.

**Mr GUTWEIN** - We are either going to deal with this matter or we are not. That was quite audible to everybody in the Chamber.

**Ms O'Connor** - I stated a fact.

**Mr SPEAKER** - Ms O'Connor if you constantly interject then I have no option, so I ask you now to listen in silence to the Premier. You have withdrawn the comment. No more comments from you through your interjections, please.

**Dr WOODRUFF** - Point of clarification, Mr Speaker. The Premier was directing his comment directly to Ms O'Connor, which is probably why she responded to him.

**Mr SPEAKER** - Order. It was not a point of order and it is not a debate. The Premier will continue his answer. If you constantly interject then I have no alternative. Please listen calmly to the Premier's answer.



**Mr GUTWEIN** - Mr Speaker, if the member for Franklin thinks that I was directing that directly at the Leader of the Greens then I am sorry. I was directing that at the Greens because the nub of this issue is that with reckless abandon they will call for outcomes that would cost 500 jobs which would seriously damage a regional community when we know there is a process under way. That process is that MMG has initiated a referral under the EPBC Act to determine whether the proposed action will need formal assessment and approval under that EPBC Act. The referral is currently with the Australian Government for determination and is expected later in July.

They have also formally submitted a notice of intent with the EPA. The proposed tailing storage facility will be rigorously scrutinised by the relevant environmental agencies at both state and Commonwealth levels.

I say to the Leader of the Greens that she should be frank and honest in terms of the questions she is raising. She should have said that quite clearly her aim is to damage those 500 jobs.

### **Tasmania's Tourism Industry - Future**

#### **Mr ELLIS question to PREMIER, Mr GUTWEIN**

[10.15 a.m.]

Can you update the House on the Government's plan to secure the future of Tasmania's strong tourism industry?

#### **ANSWER**

Mr Speaker, I thank Mr Ellis, the member for Braddon, for his strong interest in this area and note that the feedback I am receiving from the north-west coast is that visitation is going very strong.

The importance of the visitor economy to our community and our economy cannot be emphasised too strongly. With a strong plan to secure the Tasmanian tourism industry's future, our rebound has been extraordinary and, pleasingly, has exceeded our expectations. For the March quarter, our visitor spend increased by nearly 30 per cent against the same period, not last year but in 2019, the year before the pandemic. So, visitor spend is up.

Airline capacity on all routes now exceeds what Tasmania enjoyed in 2019, apart from one location, and that is Melbourne. That is because we have more direct flights in from other capital cities that are now bypassing Melbourne and bringing more people here, which is fantastic. We welcome the flights between Auckland and Hobart, which we are supporting, and that is performing ahead of expectations. As I understand it, it is Air New Zealand's best performing Trans-Tasman service at the moment.

From the onset of the pandemic in March 2020, my Government has worked to deliver solutions to support the industry. That has ranged from direct financial support to successful initiatives such as the Make Yourself at Home Travel Voucher initiative, which went like that, Mr Speaker.

We introduced the \$4 million Critical Attractions and Experience Support Fund, which is assisting 44 critical regional businesses that suffered and are still suffering negative impacts as a result of the pandemic and the loss of international visitation. We also introduced the \$8 million Renovation and Development Grant Program and this is geared to assist industry to identify and introduce new world-class experiences. We provided \$1 million in travel agent supports through a package.

We worked with the federal government to allocate the \$13.5 million funds from its recovery for regional tourism initiatives. There have been a range of major projects, five I understand, that have been approved in the first tranche to the value of around \$7 million. A portion of this funding went to Tourism Tasmania's Winter Activation Campaign to attract mainland visitors to the state. Feedback from the industry, right across the state, indicates that this winter will be our strongest yet for visitor numbers and spend.

We have demonstrated very clearly our intent to continue our strong support of the industry. In total we committed a further \$83 million during the election to support businesses, such as the \$50 million interest free loan program, increasing funding for Tourism Tasmania, and doubling the level of the business events and attraction fund.

Success in tourism in today's world will only be realised if government and industry work closely together. That is exactly what we are doing. This will drive growth and visitation spend. It is why we provide and continue to provide to industry through the extensive loans and grants programs and gives our tourism businesses that opportunity to shine.

It is also why we have made investments in the Wooden Boat Centre, the Transformer Project in the south, the Don River Railway in the north-west and the Convict Heritage Hub in Hobart.

One of the most important winter offerings we have is AFL football. Last weekend's game in Launceston was demonstrated proof of the pulling power that the game has. I am not sure whether anyone from that side was at the game, but I can tell you it was sensational.

This weekend North Melbourne play the Gold Coast Suns, and I believe all of us in this place recognise that the Gold Coast Suns chairman is one of the few detractors left of our plan to have our own team. He is one of the few negative voices and one of the last to be convinced. However, like every other Australian who visits our shores, I think he is turnable and this weekend when he is here at Blundstone Arena - and I understand that he is coming - we as Tasmanians will get the opportunity to show him first-hand our passion for the game and how it has been an integral part of this state's sporting history, heritage and lifestyle for such a long time.

Whilst I understand that the Suns are not the most successful team in the AFL, and whilst it is unusual for me to use this parliament as a place to drum up business for failing football clubs, I make the point that we need to turn up on Saturday and demonstrate that we have a real passion for the game. I know for some that might be difficult but at the end of the day we should all do our bit.

With North Melbourne and the *Mercury* we are going to offer some incentives to try to drum up a little bit of business for the Suns. First, there will be a chance for all Tasmanians to go along - and I make this point - to very politely but very loudly boo Tony and his team at

every opportunity while recognising the great football that will occur on the ground. Second, North Melbourne is very generously offering free tickets for all children who turn up with a responsible adult. You might even be interested in this, Mr O'Byrne. There will be a goal-kicking competition at half-time in which I will be taking part and, I hope, so will Mr Cochrane. The game is on Saturday and Tasmanians can turn up and very politely but very loudly boo Mr Cochrane as well.

Saturday is a great opportunity for Tasmanians to get behind our AFL bid and send the message that we support Tasmania getting its own team. I make the point that momentum is building. The voices are getting louder. We have AFL greats now lining up to say that we should have our own team. I encourage all Tasmanians to get along if they can and support the game on Saturday, help out a club that has a few difficulties but at the same time send a very clear message to the AFL that we love our sport down here; we love our AFL.

**Ms O'CONNOR** - Point of order, Mr Speaker, I draw your attention to the fact that the Premier in that Dorothy Dix answer spoke for just shy of seven minutes.

### **Election Campaign Promise - Taxes and Asset Sales**

#### **Mr O'BYRNE question to PREMIER, Mr GUTWEIN**

[10.23 a.m.]

On that matter of indulgence, I believe there is a unity ticket in this House and many of us will be very supportive for the first time in our lives for the North Melbourne Football Club to ensure they get a win on the weekend, as difficult and painful as it is. I first watched North Melbourne on black-and-white television as a very young child so I will remember that and look at the black-and-white stripes. Unfortunately, I will not be able to join you. I will be supporting local football down at the Huonville Recreation Oval on Saturday but I wish you well in the kicking competition - not only kick the ball but kick one for Tasmania as well, Premier.

In asking my question, I welcome your earlier answer that you will, and I quote, 'return the budget to surplus to when we said that we will and that is in 2023, as promised at the election' so I welcome that commitment. During the recent election campaign you also promised that there would be no new taxes imposed on Tasmanians and no asset sales. Do you remain committed to this promise?

#### **ANSWER**

Mr Speaker, I thank the Leader of the Opposition for that question. There will be no new taxes and no asset sales either. We made it perfectly clear throughout the election that there would be no asset sales. I think it is understood across the parliament that agencies will sell police houses and do that normal process of business as they work through, but none of our government businesses will be sold. I made that point very clearly. We want to see our government businesses providing additional revenues for the state whilst at the same time providing the services they are put in place to deliver, and under this Government we have seen our businesses do just that. They are a valuable part of our stable.

## **Northern Regional Prison - Geotechnical Drilling of Site**

### **Dr WOODRUFF question to PREMIER, Mr GUTWEIN**

[10.25 a.m.]

A year ago today, you said the Brushy Rivulet was 'a bush block' and an ideal location to build a prison and was also 'not a reserve'. The Minister for Corrections that day said there were no records of threatened wildlife on the block. However, DPIPWE records show the presence of numerous threatened flora and fauna on site. New right to information documents show the federal government has been demanding Tasmania give legal conservation protection to the reserve and its environmental values in perpetuity.

The Northern Regional Prison Project is planning core geotechnical drilling within the next week before planned spring and summer flora surveys needed for EPB assessment have been completed. Access to drilling locations with heavy machinery will be across and within what Dr Sarah Lloyd OAM describes as a botanical hotspot covered in orchids and lilies.

Residents have raised many serious issues with this location. Will you now acknowledge that this reserve is a terrible place for a prison, and step in to protect these conservation values in perpetuity, as has been called for by the federal environment department?

### **ANSWER**

Mr Speaker, I thank the member for Franklin for that question. To be frank, I disagree with a lot of what you have had to say. In fact -

**Dr Woodruff** - With what? That the federal environment department has been calling for protection for threatened flora and fauna?

**Mr SPEAKER** - Order.

**Mr GUTWEIN** - We are going through all the necessary processes and due diligence of the site. Regarding drilling, as part of the continuing due diligence on the site the department needs to undertake further geotechnical investigations which will involve drilling an additional five to six holes to enable soil and rock core testing.

**Dr Woodruff** - And that will trash the site and its assessment for EPBC.

**Mr SPEAKER** - Order, member for Franklin.

**Mr GUTWEIN** - Drilling will begin in the next few weeks subject to contractor availability and weather conditions. The work follows on from some earlier drilling work undertaken in October last year. Importantly, all work permits have been obtained and the department works closely with the Department of Primary Industries, Parks, Water and Environment -

**Dr Woodruff** - Step in.

**Mr SPEAKER** - Member for Franklin, I ask you again to stop interjecting.

**Mr GUTWEIN** - Mr Speaker, the department works very closely with the Department of Primary Industries, Parks, Water and Environment and the independent environmental consultant to ensure that no work will be undertaken within 500 metres of the wedge-tailed eagle nest on the adjacent property or around any of the other sensitive natural values that have been identified on the site. Drilling operations will be conducted in a manner that takes into account the sensitive natural values that have been identified on the site.

**Dr Woodruff** interjecting.

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### **Member Suspended**

#### **Member for Franklin - Dr Woodruff**

**Mr SPEAKER** - Member for Franklin, I ask you to withdraw from the Chamber until the end of question time for constantly interjecting.

**Dr Woodruff** - Of course, but it is standard practice to have a warning.

**Dr Woodruff** withdrew.

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**Ms ARCHER** - Point of order, Mr Speaker. It has always been in our Standing Orders that if a member answers back and reflects on the Speaker ordering them out of the Chamber, that can lead to a 24-hour suspension. I draw your attention to that.

**Ms O'Connor** - Class monitor.

**Ms Archer** - You can call it what you want, Ms O'Connor, but the standards in this place have dropped. I am hoping that type of behavior does not continue this term.

**Mr SPEAKER** - Thank you for that. Premier, we will move on.

**Mr GUTWEIN** - Thank you, Mr Speaker. I was going to finish up by making the points that drilling operations will be conducted in a manner that takes into account the sensitive natural values. I understand that all of the surrounding property owners have been informed of the planned works prior to them commencing. I am presuming as they have not commenced yet that might still be under way and the department will continue to apply the highest levels of due diligence in preparation for lodging a combined planning scheme amendment and development application with the Meander Valley Council at the appropriate time.

### **Paradise Gorge - Potential Rock Fall**

**Ms BUTLER question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON**

[10.31 a.m.]

In relation to a potential rock fall at Paradise Gorge, what reports were commissioned by your department and when did you receive them?

## ANSWER

Mr Speaker, I acknowledge the question from the member for Lyons, Ms Butler. This is a very important issue to me and to the Government and we have acted in a principled and professional way on the best advice. I can provide the House with exact dates at the end of question time in relation to the dates that I have received various reports.

I was written to by the Mayor of Glamorgan-Spring Bay Council, Robert Young, late last year - I believe it was approximately November or December - and wrote back to him committing to researching it further. His concern was that he had heard concerns in the community that a particular rock - the one that was previously cable-bolted in place - was potentially vulnerable to falling onto the highway. I committed to him that we would send consultants and experts to check it out. I wrote back to him to inform him advice had been returned to the department that the particular rock was secure and not at risk of falling.

However, in my reply and in my dealings with the department I also ensured that we would further examine the area and do a more detailed investigation, not just to that particular rock but to the broader environment. That work occurred and the department commissioned Pitt and Sherry who worked alongside a leader in this industry by the name of Spidertech who have used abseiling together with drone technology to do a broader survey of the area at Paradise Gorge.

The use of that drone technology allowed an investigation to take place in the first part of this year that uncovered the decay of the rock area and the material that had been hidden previously by vegetation. The department, on advising me of this in late May, initiated an immediate communications strategy, remediation of Wielangta Rd, and a closure plan for the Tasman Highway that was to be instigated on the following Friday night.

I would like to put the date on the record. I have said it publicly already, but I will get it for factual correctness at the end of question time and I hope that satisfies the concern because if there was any suggestion that the Government had been aware of the immediate risks of rock fall prior to me becoming aware in late May I would like that to be scotched immediately.

While I am on my feet I would like to pay tribute, not just to those people who assisted us and the mayor, Robert Young, who so proactively raised this issue with me as the minister, but the many people both within my department and in the contractor community who stepped up to that challenge of not just closing the highway - that is the easy bit - but the work to secure Wielangta Rd was done in two days flat. It was a phenomenal piece of work with great goodwill from the contractor community which has led to us being able to do something that we were not absolutely sure we could be confident about, and that is that we have kept that community connected to Hobart and Southern Tasmania. It is not as good as a sealed highway, but to see that the Orford/Triabunna community was not cut off entirely from Hobart has been a very important step - not one that we were absolutely confident of but, has been delivered.

Additional to that, the work that has occurred on site at Paradise Gorge, which I have had the benefit of inspecting personally from a safe distance and which members of the Opposition have been provided with a briefing about, has highlighted that the sense of teamwork around that project has been phenomenal. There have been a lot of rumours around 12 weeks, 20 weeks, end-of-the-year highway closures. I believe we have been able to set aside those rumours and maintain the view that as soon as the advice changes as to the length of time of

this operation, we look forward to providing that transparently back to the community. Whether it was later or earlier, we will say so.

For now, it is a message of thanks to the community as well. It has been disruptive for them. We acknowledge that and we give them the guarantee and you, Ms Butler, and other members here, particularly for Lyons and Prosser, that we will get the highway open as soon as we safely can.

### **Tasmanian Recreational Fishing Strategy - Draft**

**Mr TUCKER question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.35 a.m.]

Can you please update the House on the Government's plan to protect our way of life and secure the future of recreational fishing in Tasmania, and is the minister aware of any other approaches?

#### **ANSWER**

Mr Speaker, I thank the member for his question. It is an important question. We all know how important recreational fishing is in Tasmania. I am one of the 100 000 Tasmanians who love their fishing. We are an island state surrounded by water and we have so many good fishing spots - some of the best in the Australia and the world.

We have 20 000 recreational fishers who have a license for abalone, rock lobster and scallops. It is part of the Tasmanian way of life and that is why this side of the House, the majority Gutwein Liberal Government, is the strongest supporter of recreational fishing and why we committed at the election to implementing our 10-year recreational fishing strategy.

I can announce today that I will release that document here and now with the draft Tasmanian Recreational Fishing strategy. This will be available on the department website. This has been a long time coming, a lot of hard work and it has received a lot of input: 150 stakeholder interviews, a survey capturing 3200 responses, a discussion paper seeking feedback leading to 70 submissions and 40 consultative meetings across the state - several of which I had the pleasure to attend.

Our vision is to make it easier to enjoy recreational fishing. I wear the hat that says 'fishing for the future' when I go fishing. This is part of the strategy: sustainability of the fishing sector. There are six outcomes, 52 actions and several key priority areas. We have got \$350 000 over two years for the Flathead for the Future program. We will be working with the fishers to improve sustainability, understanding the stocks and ensuring that sustainability continues.

We have \$100 000 to make it easier for young people, women, and people with disability to fish. A big thank you to the Fishcare volunteers who do so much good work at Agfest, the shows and at fishing events. All this is backed by our commitments at the election campaign: \$2 million to upgrade our recreational fishing facilities, \$1 million inland and \$2 million for sea fishing, for boat ramps, jetties and facilities at the sea fishing clubs, and there is a lot more

work to do. The draft strategy will be available on the website and to the public with feedback from 26 July. Thanks also to TARFish which had an important role as the peak body representing recreational fishing. We provided \$400 000 in the election campaign over three years to support their important work.

I was asked about other approaches. First, we were able to continue, during the campaign and right now, to refer to the policy of ruling out rod and reel taxes that continued to be the focus for the Labor Party in the lead-up to the election and we were also able to rule out the radical bid by the Greens to lock up fishermen and women from certain marine waters. When you get Labor and Green together, what happens? Lock-ups -

**Ms O'CONNOR** - Point of order. I think the House needs to have that explained. What does the minister mean? 'We did not want to lock up any fishers'? Is he saying -

**Mr SPEAKER** - It is not a point of order. The minister can answer the question.

**Mr BARNETT** - A proposal for more marine parks, Mr Speaker, it is very clear. On this side of the House we have a plan to secure Tasmania's future and deliver important plans to ensure that that occurs. On the other side, in terms of Labor, if you cannot govern yourselves during an election campaign or at any other time, you cannot govern for Tasmania. You are a divided rabble like you were during the campaign. Dr Broad was on the ABC and gave an epistle of Labor division. I read the six pages last night. It was an absolutely brilliant exposé on Labor division and infighting.

**Ms O'CONNOR** - Point of order, Mr Speaker, under standing order 48. The minister has been speaking for five minutes. He is not talking about fishing right now. He has had sufficient time.

**Mr SPEAKER** - He has not been talking for five minutes. Minister, please continue and then wind up.

**Mr BARNETT** - Thank you. I was asked about alternative approaches and one of those was referred to by the member for Braddon, Dr Broad, where he said that the hard-left factional group of powerbrokers he believes have delivered three election losses in a row. They have been dominated. The hard-left faction have taken over the Labor Party and pushed out moderate voices.

Who are these factional powerbrokers? According to Dr Broad, bullies. Where are the bullies, Dr Broad?

**Mr SPEAKER** - Please wind up, minister.

**Mr BARNETT** - Ms Butler had five portfolios, now she has zero. That was a cruel act, Leader of the Opposition. That is an alternative approach. You say you are united but you are divided.

Mr Speaker, we want to secure Tasmania's future. We are getting on with the job. We are focusing on what people are interested in, including recreational fishing.



## **Poker Machines - \$1 Bet Limit**

### **Ms JOHNSTON question to PREMIER, Mr GUTWEIN**

[10.42 a.m.]

In 2012 both you and the Deputy Premier were members of a House committee that considered reducing the maximum bet per spin on poker machines from \$5 to \$1. As the Australian parliament was, at that time, restricting a trial of mandatory pre-commitment, the committee concluded that Tasmania should not proceed with a \$1 bet limit, despite otherwise giving the reform a positive review. We know that this pre-commitment trial floundered and similar schemes have proved difficult to enforce and have not worked. Will you acknowledge the overwhelming evidence that a maximum bet per spin of \$1 will reduce the harm experienced by gamblers and limit the uptake of new problem gamblers without having any real impact on recreational players, and will you now support legislation that limits poker machines to a \$1 maximum bet per spin?

### **ANSWER**

Mr Speaker, I thank the member for Clark, Ms Johnston, for that question, and thank her for her inaugural speech yesterday. I thought it was a very good one.

Recent social and economic impact studies on gambling in Tasmania have shown that the prevalence of EGM gambling is declining and the incidence of problem gambling is reducing. In the most SEIS released in 2017, 0.6 per cent of adult Tasmanians were considered problem gamblers under the Problem Gambling Severity Index. The fifth SEIS is expected to be released in the near future and more than likely we expect to see a further reduction in problem gamblers. Tasmania has one of the lowest bet limits for venues of all the Australian jurisdictions as it stands at the moment and previous investigations have highlighted the difficulty and impact of implementing a lower bet limit in Tasmania due to the small numbers of gaming machines relative to the Australian market.

I want to provide some further background on this because I think the question largely walks past this. The overall adult gambling participation rate in Tasmania has been progressively declining since the first prevalence study back in 2008 and at that time we had nearly 72 per cent of Tasmanian adults who were gambling. That has steadily decreased to where at the last one it was only 58.5 per cent, so there is a -

**Ms O'Connor** - So more money coming out of fewer people's pockets.

**Mr SPEAKER** - Order, member for Clark, I am sure you do not want to join your colleague outside the Chamber. Please stop interjecting.

**Mr GUTWEIN** - significant decline in terms of the number of adults that are gambling overall. In 2017 an estimated 0.6 per cent of Tasmanian adults were classified as problem gamblers, 1.4 per cent were considered moderate risk and 4.8 per cent were low-risk gamblers. If we step back to 2011, 0.7 per cent were classified as problem gamblers, a higher number than today, 1.6 per cent were considered moderate-risk gamblers and 5.2 per cent were considered to be low-risk gamblers. What we are seeing is that the harm minimisation program and supports we are putting place are actually working.

Interestingly enough, again from the SEIS, Tasmanian gamblers' expenditure on all gambling activities decreased since the 2011 SEIS from average of over \$1054 to \$950 on average in 2017. We are also seeing that the real expenditure on EGMs has trended downwards falling from \$263 million back in 2008-09 to \$191 million in 2015-16 and it has continued to fall.

Importantly, the proportion of the total EGM expenditure contributed by problem or moderate-risk gamblers has fallen from 36 per cent in 2013 to 27 per cent, nearly a 10 per cent reduction through that period as well. Close to around 25 per cent of the total overall percentage has come down. What we are seeing, contrary to what a lot of people would suggest is occurring, is the prevalence of gambling coming down, the prevalence of at-risk problem gamblers coming down and the amount of spend coming down.

In answer to your question as to whether we would move forward on a \$1 maximum bet, the answer would be no, because we believe the processes that we have in place are currently working. The other point I would make at the moment is that the real risk in terms of gambling is not the highly regulated EGM facilities that are in our pubs and clubs or at the casino. It is the fact that you can sit down on your couch and you could lose your house.

**Ms O'CONNOR** - Point of order, Mr Speaker. The Premier is being misleading. You cannot say that the real risk in gambling is online and write off the risk of EGMs. It is just dishonest, again.

**Mr SPEAKER** - The Premier is allowed to express his opinion.

**Ms O'Connor** - He is stating it as fact.

**Mr SPEAKER** - Order.

**Mr GUTWEIN** - It is very well understood that the growth in online gambling is extraordinary and growing exponentially, whereas in terms of EGMs we are seeing that trend down. That is a fact; even you should be able to concede that is a fact. We are seeing EGM spending coming down but we are seeing exponential growth in terms of online betting and gambling, and there are some very high-risk groups. It is unfortunate that you could sit on your couch on your phone and you could lose your house. I would hope nobody in this place would ever utilise their phone in that way in this Chamber, but in the time we have been in question time this morning, if somebody had wanted to they could have bet their house and they could have lost it right now this morning.

### **Paradise Gorge - Report on Rock Stability**

**Ms BUTLER question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON**

[10.49 a.m.]

It is our understanding that you received your first report into the stability of rocks at Paradise Gorge in February. Given the catastrophic risk to the public associated with rockfall, why did it take three months for you to receive the second report?

## **ANSWER**

Mr Speaker, I thank the member for Lyons for her question. I have been very clear in my statements on this matter. I invite the Opposition to not call into question the Government's integrity, professionalism and concern for safety on this matter because we have turned on a dime on the basis of the advice that has been provided through the department and in my correspondence with the mayor which I stand by.

I committed in my earlier answer to provide the date that I was advised of the significant increased risk level and I now have that advice. In January 2021, a physical inspection of the rockface did not indicate there was a change in the risk levels; however, further detailed investigations were recommended. That was January, not February.

The department first received notification from its consultants of the increased risk level on Wednesday, 19 May 2021 - not February. The information from analysis of aerial survey and laser scanning indicated that the rocks could be dislodged after frost or heavy rain.

I was advised on Tuesday, 25 May - not February. The weather forecast for the weekend of 29 and 30 May became more certain over that week of the 24 May with frost predicted in the Orford area that weekend and that forecast meant the decision to close the road was made and announced on Wednesday, 26 May 2021.

### **Emergency Services - Funding**

**Mr STREET question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mrs PETRUSMA**

[10.51 a.m.]

Can you provide an update on how the majority Gutwein Liberal Government is investing in our emergency services to secure Tasmania's future and ensure the safety of our communities?

## **ANSWER**

Mr Speaker, I thank my Franklin colleague for his question and for his interest in this matter. I am very privileged to be given one of your previous portfolios too, Mr Speaker, one that is so very important to the safety of this community.

Over the last month, I have been very privileged to attend the graduation of 30 new firefighters and have visited the State Emergency Service, the Hobart Fire Brigade, Cambridge Training Centre and the Southern SES Regional Headquarters and these visits have given me an amazing insight into the valuable work that our career and volunteer firefighters and our SES personnel undertake each and every day to keep each and every one of us safe. I thank them all.

This Liberal Government is committed to reducing the risk of bushfires and floods in our communities and to supporting our career and volunteer emergency service personnel which is why in our \$18 million election policy 'Ensuring bushfire safe communities and supporting our volunteers', we will keep Tasmanians safe from bushfires and provide additional support for

our hardworking and dedicated career and volunteer firefighters and our State Emergency Service units around the state.

Our policy is in a big contrast to Labor's policy because, apart from it being a little bit thin, there is not a single dollar mentioned in this policy for fuel reduction or for staffing. This government has instead, since 2014, put in place our nation-leading fuel reduction program and we have invested more than \$55 million since 2014 to make our communities safer and we are now further boosting this program with an additional \$2.5 million to support mechanical clearing, as well as \$2.5 million into our successful Red Hot Tips program to support farmers and large landholders to conduct private burn offs.

Our volunteer firefighters are critical to keeping Tasmania safe which is why we are also providing them with an extra \$250 000 to fit out appliances with new-generation defibrillators, investing a further \$2 million to advance the rollout of mission-critical equipment and extending our grants program with \$500 000 each year for equipment, amenity and facility improvements, as well as doubling the funding for our successful health and wellbeing program to \$3 million.

Over the last month, I have also been privileged to visit Tasmania Police's Crime and Intelligence Command, Forensic Science Service Tasmania, Firearms Services, the Radio Dispatch Services, the Safe Families Co-ordination Unit and the State Control Centre, and I have seen and heard firsthand just how our police officers are undertaking challenging and confronting situations daily and I say a big thank you to them as well for what they do for us each and every day.

Their commitment to serve and protect is why we are providing \$43.3 million in our Investing in More Police and Safer Communities Policy and work is already under way to plan the next recruitment of another 50 police officers over the next five years. Once complete, we will have recruited 308 new police officers since 2014, with just this month alone an extra 44 police officers joining the front line including 17 more police officers tomorrow.

Our recruitment of 308 police officers is a 30 per cent increase since 2014, in contrast to when the Leader of the Opposition as the police minister slashed 10 per cent of the police force, shamelessly sacking 108 police officers, which lead to an increase in crime. In contrast, compared to the last year of the Labor-Greens disaster in 2013-14, victimisation rates per 100 000 of population in 2019-20 are now lower -

**Members** interjecting.

**Mrs PETRUSMA** - the truth hurts - are now lower in every type of criminal offence. We are investing an additional \$2.4 million over two years to extend Tasmania's electronic monitoring of family violence perpetrators. After our successful trial showed an 82 per cent decrease in high risk family violence incidence and a 100 per cent decrease in stalking.

We are also investing a new \$7.5 million police station in St Helens and \$12.5 million upgrade to the Bridgewater police station, on top of the \$22 million for new stations in Longford, New Norfolk and Sorell. We are also recruiting new specialised support staff to complement and assist police with investigations, including prosecutors, cybercrime specialists and new evidence staff.

Our policies for new staff are fully funded and will be paid, because in Labor's policy, no matter how many times I have gone from front to back, there is not a single dollar in here for new police officers. Not a single dollar. We have volunteers in the SES, we have volunteers in the Fire Service, so now Labor's policy is volunteer police officers, because they racked up \$3 billion worth of unfunded election commitments. They did not even take this policy to Treasury to get it costed. So, to all our new police officers under this party, we will pay you and we will fund our commitments. Under Labor, you will be volunteers or you will be sacked.

**Members** interjecting.

### **Paradise Gorge - Installation of Wire Mesh**

**Ms BUTLER to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON**

[10.58 a.m.]

Can you confirm that wire mesh will need to be installed at Paradise Gorge on the Tasman Highway? Will this need to occur before the road is re-opened and if so, when is this expected to happen?

### **ANSWER**

Mr Speaker, I thank the member for Lyons for her question. I am totally committed to this project. Our first principle is safety, regardless of the length of the period of the time the highway would have to be closed. Safety first, time second. I want to make that very clear. Whatever the time of Tasman Highway closure is to be, it should not be political, it must not be political, and I am aware of the rumours that are being circulated about the community, including with some prompting from members of the Labor Party. It has been reported to me and it is on some of your social media. Oh, hello, triggered.

**Ms WHITE** - Point of order. The minister does not have any evidence to back that up. I ask him to withdraw that, because there is absolutely no truth to that.

**Mr SPEAKER** - It is not a point of order.

**Mr FERGUSON** - I am aware of it, and if the member who jumped is so triggered, that is an indication, Mr Speaker.

**Mr FERGUSON** - The highway will be closed until it is safe to be re-opened. I am aware of the Labor Party talking-up the period of time of closure of the Tasman Highway, I am aware of that and my advice is that the project of closure, remediation and removal of the rocks followed by remediation is mid-July. That is my continuing advice. The reason that members can be assured of that is because I have publicly stated that if the advice to me changes, I will immediately announce it, whether it is longer or shorter.

I am also aware of the rumours, which are unhelpfully being circulated in relation to wire mesh. We will commit and I am advised that we need to see wire mesh for future protection of potential rock, movement of rock off the side of Paradise Gorge onto the highway, and we will do that, we will pay for it and do it correctly and promptly. Today I will be issuing a

formal media statement scotching the rumour that in some way that work has to happen before the highway can reopen.

**Ms O'Byrne** - Just answer the question.

**Mr FERGUSON** - I am answering the question. Rumours of a delay connected to the wire mesh are entirely false. Wire mesh will be installed at a later date after the highway is reopened. Our focus is making the highway safe for Tasmanians. I have provided briefings to members of the Opposition and I say to them, as always, if you hear rumours like that again come and ask me, send me an email, or ask at the briefings, because by bringing it into this House you have actually magnified that rumour. It puts further importance upon me clearing up that rumour and allowing people to be assured that while the continuing advice is mid-July - and I hope we can beat that deadline, by the way - our focus is safety. Because on the advice that we received in late May it would have been devastating for everybody, especially families involved, if there had been an injury or loss of life.

We have acted in the interests of the community first and foremost, and I again would invite the Opposition to act responsibly and support the communications plan that we have in place.

#### **Tasman Highway Closure - Compensation to Affected Residents**

**Ms BUTLER question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON**

[11.01 a.m.]

Has the state Government now provided compensation, actual financial relief, to residents of the east coast affected by the closure of the Tasman Highway?

#### **ANSWER**

I will answer if you direct it to me, Mr Speaker. The Minister for Small Business has obviously had to go to the Legislative Council for an 11 a.m. sitting. I would need to seek that advice from the Small Business minister. I do not have that advice. It sits within the portfolio of Small Business. If anybody has that advice I am happy to provide it to the House.

While it is not within my portfolio, the Premier has advice that he has provided to me. I can advise the House that 17 applications have now been approved for a total of \$211 714 in that first tranche and that these applicants were notified on Tuesday 22 June 2021 and their payments have been arranged. I am referring to the Business Hardship Critical Support grants for the Orford road closure.

**Ms DOW** - Point of order and point of clarification, Mr Speaker. The question was in relation to support for community members and residents due to the inconvenience and increased costs, not businesses.

**Mr SPEAKER** - That is not a point of order. There has been an answer given.

## **Law Reform - Guardian and Administration Act**

### **Ms OGILVIE question to ATTORNEY-GENERAL, Ms ARCHER**

[11.03 a.m.]

Can you please provide the House with an update on how the Tasmanian majority Liberal Government is progressing the vitally important law reforms for the Guardianship and Administration Act framework?

### **ANSWER**

Mr Speaker, I thank the member for Clark for her question and continuing interest in these matters to do with guardianship and administration in particular. As Attorney-General and Minister for Justice I am pleased to provide an update to the House on our Government's continuing progress in response to the Tasmanian Law Reform Institute's review of the Guardianship and Administration Act 1995.

Given the complex nature of this type of reform and the voluminous nature of the TLRI's final report - and I encourage members to have a look at that report because it is very complex in its form - it was necessary for me to adopt a staged approach to its implementation to ensure all matters can be appropriately and thoroughly addressed and progressed in a timely manner. Today I will be reintroducing amendments to establish a legislative framework for the making and implementation of advance care directives as the first tranche of these reforms.

The Guardianship and Administration Amendment (Advance Care Directives) Bill 2020 are important reforms which were progressed by my department, despite the challenges of COVID-19 last year, drawing on the important work delivered by the TLRI and further supporting our Government's clear commitment of ensuring greater access to high-quality end-of-life services for more Tasmanians.

Advance care directives are instructions around a person's future decisions regarding health care which enables Tasmanians to put their affairs in order, typically as they age. They can be an important part of end-of-life care and were necessary, in my view, in the first tranche of these reforms.

This bill establishes a robust and contemporary legislative framework for advance care directives in Tasmania which provides strong protections in relation to decision-making capacity and witness requirements. Importantly, the bill also provides powers to enable to Public Guardian to mediate disputes arising from the implementation of an advance care directive and extends the range of orders to be made by the Guardianship and Administration Board.

While advance care directives are already in operation at common law, the proposed legislation will give greater clarity about their legal status and provide greater certainty about protections for health practitioners and others responsible for giving effect to them. The draft bill received strong stakeholder and community support with the overwhelming sentiment being that the bill provides a welcome addition to advance care planning in Tasmania.

My department has already commenced work on tranche 2 of the Guardianship and Administration Act reforms from the work of the TLRI. The second tranche will look towards

entrenching further supports for vulnerable Tasmanians into the guardianship framework, including any outcomes from the recently announced independent review of the Public Trustee.

While the Public Trustee operates necessarily independently of government, a number of concerns have been raised both privately and through the media from clients and stakeholders around how their cases have been dealt with. The Public Trustee interacts with Tasmanians at the most difficult times in their lives regarding their financial affairs and it is important that Tasmanians have the highest level of confidence in them and the important role they serve.

The Public Trustee must provide professional services delivered with integrity and understanding to the Tasmanian community, and the review into the administrative and operational practices of the statutory authority will help resolve the concerns raised and assist with the continued delivery of these important services.

Treasury was tasked with urgently developing terms of reference following the announcement of the review and my department is currently finalising these as quickly as possible and I expect to announce them soon.

It is important to ensure the terms of reference are broad enough to encapsulate aspects of concerns raised by the members of the community and it is also important for members of the public and key stakeholders to have an input into this review. Work is also underway to identify and appoint the independent reviewer who will receive the terms of reference once they have been finalised and endorsed.

I have met with the Public Trustee CEO and chair of the board to discuss these issues and the upcoming review. I have also met with Advocacy Tasmania jointly with the Minister for Health, Mr Rockliff. These discussions have been productive and meaningful in allowing me to gain a better understanding of the concerns relating to the Guardianship and Administration Act on behalf of its clients.

In closing, I am pleased to hear that the organisation has now met with the Guardianship and Administration Board director to discuss its concerns and I understand the board has committed to keeping an open dialogue with them going forward.

Our Government will consider any recommendations for reform to the Public Trustee resulting from this review as part of our broader consideration of the TLRI review of the Guardianship and Administration Act to ensure that the Tasmanian community can maintain trust and faith in this important authority.

## **PETITION**

### **Native Duck Shooting**

**Dr Woodruff** presented a petition signed by approximately 1885 petitioners praying that the House ban native duck shooting in lutruwita/Tasmania.

**Petition read.**



**GUARDIANSHIP AND ADMINISTRATION AMENDMENT (ADVANCE CARE DIRECTIVES) BILL 2021 (No. 14)**

**JUSTICE MISCELLANEOUS (INCREASING JUDICIAL RETIREMENT AGE) BILL 2021 (No. 15)**

**First Reading**

**Bills presented by Ms Archer and read the first time.**

**ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL AMENDMENT EPA INDEPENDENCE BILL 2021 (No. 25)**

**CAT MANAGEMENT AMENDMENT (MANDATORY CONFINEMENT) BILL 2021 (No. 24)**

**WILDLIFE PROTECTION OF NATIVE DUCK SPECIES BILL 2021 (No. 23)**

**First reading**

**Bills presented by Dr Woodruff and read the first time.**

**SITTING TIMES**

[11.15 a.m.]

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

That for this day's sitting the House not stand adjourned at 6 o'clock and continue to sit past 6 o'clock.

We have four bills that need to be considered during the day today. I understand as well that the Legislative Council will be either taking them into their process later today or at a quorum call tomorrow.

In addition to the four bills, I have given an undertaking to the member for Franklin, Mr Winter, that we will ensure he gets to choose the time of his first speech. That will be at 2.30 this afternoon and we all look forward to that.

Although I do not envisage a late sitting, to ensure that all of those bills can have all the attention they may require from members before we bring on the Address-in-Reply, I give the undertaking that if the House was to sit past 6 o'clock we would not be bringing on the Address-in-Reply a second time.

**Motion agreed to.**

## MATTER OF PUBLIC IMPORTANCE

### takayna/the Tarkine

[11.18 a.m.]

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

I move that the House take note of the following matter: takayna/the Tarkine.

Mr Speaker, the takayna were the Aboriginal people of the north-west of Tasmania whose story is embedded in that landscape for tens of thousands of years in the rock depressions, the middens and the form of that beautiful corner of Tasmania. We have decided today to bring on as our first matter of public importance in this place a debate about one of the most remarkable and rare places on Earth, takayna.

According to the Australian Heritage database, takayna covers an area of about 439 000 hectares and, in broad terms, the Tarkine is the area south of the Arthur River, north of the Pieman and bounded to the east by the Murchison Highway. I want to read into the *Hansard* some of the findings of the Australian Heritage Council in relation to the national heritage values of this extraordinary landscape. This decision came down in February 2013, and I hope that people in this place who only view the Tarkine as somewhere to extract trees from or minerals from or dump toxic tailings in listen to what the Australian Heritage Council has had to say about this place:

The cool temperate rainforest within the Tarkine area is significant for our understanding of evolutionary processes. Tasmania's rainforests represent a living example of one of the most primitive vegetation formations on Earth, and those species that remain have demonstrated an extraordinary ability to survive. Most Tasmanian rainforest tree species can clearly be demonstrated to be from around the mid-Tertiary ...

and there is a number of rainforest species which the fossil record shows their direct ancestors exceed more than 40 million years.

These rainforests contain flora from families that were once far more diverse and widespread than now. The Tasmanian rainforest is one of the best places worldwide where the effect of climatic change on vegetation during the Cenozoic can be considered in detail. ... The Tarkine has more callidendrous rainforest, (rainforest with tall trees and an open park like understorey), than any other areas in Tasmania.

With the exception of the Meredith Range area, the rainforest covers most of the eastern two-thirds of the place.

Although rainforest does not cover the entire Tarkine area, it is the value that people most associate with the Tarkine. It is the cornerstone value of the place and is strongly related to other identified values.

I commend the Australian Heritage Council's words on the Tarkine to every member in this place. As we know, Mr Speaker, the Tarkine is also one of the world's most significant

archeological sites because of the human story that is embedded in that landscape that dates back tens of thousands of years. The council finds that:

Along the coast of the Tarkine a suite of sites, including large and complex middens, stone artefacts, scatters, hut depressions, stone arrangements and petroglyphs provides evidence for this way of life. Aboriginal people also quarried the spongolite at Rebecca Creek inland of the coast to make stone tools.

I just mention in passing that when we were in government we tried to return Rebecca Creek to the First People and it was knocked backed by the upper House.

Right now in the Tarkine there are brave people defending the rainforest from MMG's proposed toxic mine dump and that blockade is now in its thirty-eighth day and we have had 37 people put themselves on the front line and be arrested in defence of takayna. Yesterday we had much-loved Tasmanian author, historian and academic Dr Pete Hay arrested in the Tarkine along with Androo Kelly, John Button, Ian Terry and Rod Headlam. Pete Hay said:

This is my island; these magnificent forests are my heritage. I reject the claimed right by a company that is foreign owned to priority, especially as there are alternative options of where to put this tailings dam.

Androo Kelly, Tasmanian devil conservation pioneer, said:

I'm trying to stop this blatant, unnecessary and ill-founded proposal. The fact the Commonwealth have not approved the current works speaks to the flawed process.

Mr Button said:

In a few months I will be 70. I am entering grandfather territory. Increasingly I am concerned of the adverse impact of climate change and what this might mean to my children, their children and future generations. Over the course of my lifetime we have collectively done our best to ruin the place, rather than provide proper stewardship.

Mr Headlam said:

I have been on this Earth to be a caretaker of this planet. What is happening here at MMG's proposed tailings dam site is sheer vandalism, a practice I feel I need to do something about.

Mr Anthony Houston, a very well-respected Tasmanian businessman and exporter who was arrested last week, said:

The message I want to give to all Australians is that it is really important to come and experience what is being lost. You can see it on TV or in a book but it is not the same. I could not believe the ancient trees they are knocking down. They are knocking over more in one day than I could plant in a year. Getting arrested was doing my part to help protect these forests. It is like

something from *Lord of the Rings* and we should not be losing places like this.

Mr Speaker, we had to endure in here the other night Dr Broad writing off the Tarkine proposed tailings dam as 'just 200 hectares'. I will say it again. It takes a certain sort of soullessness to describe a rainforest in that way.

[11.23 a.m.]

**Mr BARNETT** (Lyons - Minister for Resources) - Mr Speaker, we all know what is happening here today. We know that the radical protest group, the Bob Brown Foundation, is under pressure. There have been recent reports of camera traps, baiting with wallaby legs and cat food. Serious questions have been raised that have not been answered. We know what is happening here.

**Ms O'Connor** - What's happening here, Mr Barnett?

**Mr BARNETT** - The parliamentary wing of the Bob Brown Foundation, the Tasmanian Greens, are coming in to cover for the Bob Brown Foundation. We know that the parliamentary arm of the Bob Brown Foundation is the Tasmanian Greens. This is the political arm of the Bob Brown Foundation. This is the caboose on the BBF train, hard at work for and on behalf of the Bob Brown Foundation. That is what the Tasmanians parliamentary Greens are up to today. They are doing their bidding and are running for cover for the Bob Brown Foundation.

**Ms O'Connor** - Running for cover by bringing on a debate?

**Mr BARNETT** - They are helping the Bob Brown Foundation to cover from these important questions that need answering and of course helping fundraise on the mainland to raise money for the Bob Brown Foundation and their activities.

The so-called Tarkine, as proposed by the Greens, has been used for mining, forestry, farming, recreational activities and fishing for 150 years. It contains, obviously, the Savage River Mine - Tasmania's largest mine - and many other current mines, not to mention hundreds and hundreds of mineral deposits.

In terms of the Rosebery MMG Mine, the Premier made it clear in the parliament today, 500 workers' jobs and their families. The product from that mine also services Nyrstar here in Hobart. What about the jobs of the people at Nyrstar? Here we have the member for Clark coming in and having a direct and adverse impact flowing through to Nyrstar so what about the flow-on effects?

All those protesters use their mobile phones that, of course, come from minerals that are in the ground on the west coast. They use their mobile phones when they are locked to equipment trying to stop people earning a living.

Mr Speaker, I will come to the workplace protection laws which we will implement and get through this Parliament.

**Ms O'Connor** - You are flailing about here.

**Dr Woodruff** - It is really annoying.

**Mr SPEAKER** - Order, Ms O'Connor, Dr Woodruff

**Mr BARNETT** - Let us make it very clear: the land that is under investigation by the Rosebery MMG Mine is not pristine wilderness; it is not a national park; it is not World Heritage Area.

**Ms O'CONNOR** - Point of order. The Premier is being misleading. These forests have been independently verified as having world heritage and national heritage value.

**Mr SPEAKER** - It is not a point of order but I am sure the minister appreciates the elevation in status.

**Mr BARNETT** - Let us be very clear, Mr Speaker, it is not World Heritage, it is not national park, it is not pristine wilderness, as the Bob Brown Foundation and their parliamentary wing - the Tasmanian Greens - would want you to believe. It is permanent timber production forest land. In fact, it was agreed under the Tasmanian Forest Agreement by the Tasmanian Greens and other environmental groups that we would allow harvesting in this place. This is going back to 2012-13, so they have already agreed to it to be production forest.

Furthermore, onsite harvesting has occurred in this area on at least two occasions in the last decade. A high-voltage power transmission line and easement crosses the existing access track. Felix Ellis, the member for Braddon, and I saw this just a few weeks ago when we had a briefing at the mine at Rosebery and then did a tour. We did not stay at the front gate.

**Ms O'Connor** - With your police escort. You cowards.

**Mr ELLIS** - Point of order. I take personal offence to the impugning of the character of myself and the minister. I ask the member for Clark and the Leader of the Greens to withdraw.

**Ms O'Connor** - No.

**Mr SPEAKER** - The ruling is if a member takes personal offence, you will withdraw.

**Ms O'CONNOR** - I don't understand what he is taking personal offence at.

**Mr Ellis** - You called us cowards.

**Ms O'CONNOR** - Called you cowards?

**Mr SPEAKER** - Calling members names across the Chamber -

**Ms O'CONNOR** - But it's okay for the minister to impugn our motive?

**Mr SPEAKER** - You very well know that is unparliamentary so, yes, I ask you to withdraw it.

**Ms O'CONNOR** - The double standard in here is shocking but I withdraw it because Mr Ellis clearly does not like being called a coward.

**Mr BARNETT** - Mr Speaker, high voltage power transmission lines, and the site is subject to mineral exploration. It is a mineral lease on this site. The mineral explorations occurred on at least 10 occasions in the last 50 years and it was burned in significant bushfires on the west coast just a few years ago. To top things off, it is part of an existing mining lease granted in 2008 by the then Labor government for the explicit purpose of constructing a tailings storage dam. Where was the Greens' outcry when they were in government in the Labor/Greens government? Nothing. This is simply a stunt to stop this process - a legal process - for planning and approval to continue.

Of course, the Greens are unconcerned in Braddon, where their vote sits at one out of 20, and this stunt by the parliamentary wing of the Bob Brown Foundation is not unexpected. It is a massive impact on jobs, as the Premier made clear earlier today. The workplace protection laws are important, which is why we committed prior to the election to bring them back. Labor tried to oppose them. They did oppose them, up hill and down dale for four years, but we are going to protect the people's right to work, to be employed, to earn a living and to support their family. Make no bones about it, we are absolutely determined to bring that legislation back to protect from harassment and haranguing from radical protesters tying themselves to equipment. I want the Labor Party to support that legislation and it to pass the parliament to protect Tasmanian jobs.

**Time expired.**

[11.31 a.m.]

**Dr BROAD** (Braddon) - Mr Speaker, I rise to talk on the matter of public importance which today is the Tarkine, but what we are really talking about here is the Greens' continued campaign of economic destruction. The Greens do not understand -

**Ms O'CONNOR** - Point of order, Mr Speaker. I take personal offence in the same way that Mr Ellis took personal offence. We are not about economic destruction. We are about protecting nature for Tasmania's economic future.

**Mr SPEAKER** - It was directed at the Tasmanian Greens and not personally at you.

**Dr BROAD** - I am 10 seconds in and already the intolerance of the Greens to any other opinion apart from one of fanaticism and environmental campaigning is not relevant.

**Ms O'Connor** - You have accused us of economic sabotage. It is a lie.

**Dr BROAD** - This is the Greens' continuing campaign of economic destruction. The Greens do not understand trade-offs.

**Mr BARNETT** - Point of order, Mr Speaker. The member for Franklin was repeatedly abusing the Standing Orders today during question time and now she has again used the word 'lie'. She was asked to withdraw it and she has used that word again. It is totally out of line and she should be pulled into line big time and thrown out of this place.

**Mr SPEAKER** - I ask the member to withdraw without qualification.

**Ms O'CONNOR** - I withdraw the allegation.

**Mr SPEAKER** - You are on a very slippery slope at the moment.

**Dr BROAD** - We have standards in this place and obviously the member who has just been cautioned is stretching those standards. We have to have debates in this place, not abuse. I have a different opinion from the member for Clark, Ms O'Connor, but I tolerate her opinion, I do not shout at her. She was heard in silence and I ask that I am heard in silence too.

The Greens do not understand trade-offs. By definition mines are not sustainable; you can only dig it up once. You cannot dig up the minerals more than one time, so by definition it is not sustainable. There will always be an environmental impact from mining. That is why you need tailing dams to minimise the environmental impact. There will always be an environmental impact but there have to trade-offs. Minerals are our biggest export and we need those minerals, not only for the 500 jobs in Rosebery and the other jobs that are reliant on that mine but the township of Rosebery itself.

We need an economy in this state, but there is a balance to be struck and that is about our reserve system. What the Greens do not talk about is that half of our state is in a reserve. That is the compromise. What we are talking about here is a tailings dam of 200 hectares on an existing mining lease, and the Greens have previously given approval for these ancient trees to be knocked down. When the Tasmanian Forest Agreement was agreed to this was put in as a permanent timber production zone. That means that the Greens signed off on these ancient trees being knocked down. What is on this site?

**Ms O'CONNOR** - Point of order. Dr Broad is being misleading. We supported the TFA because there was a signatories council.

**Mr SPEAKER** - It is not a point of order. I am absolutely sick and tired of this constant interjection and taking points of order. As the member for Braddon stated earlier, he listened in silence to previous contributions. I expect that he should be heard in silence as well.

**Mr FERGUSON** - Mr Speaker, I ask you to extend Dr Broad's time by 45 seconds to make up for the deliberate wasting of his time by that disorderly conduct.

**Dr WOODRUFF** - Point of clarification, Mr Speaker. I can see where some members would like this to hurt. I would like your ruling to be quite clear that there is to be absolutely no interjecting by any member in the Chamber whatsoever, because we have had so much interjecting by members of the Government throughout question time and the MPI.

**Mr SPEAKER** - I have heard enough. Sit down. Dr Broad can continue. I will give him another minute of time.

**Dr BROAD** - Thank you, Mr Speaker. Obviously the Greens do not want to hear an alternative view, which I believe is the view of the majority of Tasmanians, as seen in Braddon where the Greens vote is sitting down in the basement. There is an alternative view. What we are talking about is an existing mining lease, but it is not all pristine forest. There are elements there that have been logged in the past. There is buttongrass and, yes, there is some rainforest, but as to the alternative site that the Greens are not actually talking about, where would the alternative site be? Would the Greens clarify that no rainforest will be harmed in the development of another alternative site?

From what I understand the alternative site will result in damage to existing rainforest, so rainforest on one side of the Pieman River is expendable and the one on the other side of the Pieman in the Tarkine is not expendable and in fact is worth protesting about and getting arrested for. For the alternative site on the other side of the river where rainforest will be destroyed, apparently it is perfectly fine to destroy that, so is a tree sacred or isn't it?

What the Greens have not discussed is the long history of the area of the Tarkine. This is an area that is not pristine. There are areas of pristine forest, absolutely, but there are also ghost towns. There has been a boom-bust cycle in the past, with towns like Liena and Balfour. There have been mines all through this area and in fact a relative of mine mined at a place called Nineteen Mile Creek outside of Savage River and that is where the famous film *Jewelled Nights* was filmed in 1925. We have family photos of huts and apple trees. He was an obsidium miner. No doubt that was not sustainable but, you know what, it took historians about five or six years to find where it was because it has all grown back. The Greens would claim that that same area was pristine.

We know that Tasmania only exists as a state because of mining. Before Mount Bischoff was discovered in 1871 Tasmania was close to becoming part of Victoria, but it was mining that actually changed that. It was mining that turned us around from being a convict colony to a state in our own right. This area of the Tarkine is also one of the most strategic mineralised areas in the world.

We have to have balance in these sorts of debates. We have to have trade-offs and those trade-offs in Tasmania are that half our state is in reserves and half our exports are minerals. That is the trade-off. There will be impact from a tailings dam but that dam guarantees 500 jobs and the continuation of the township of Rosebery. The Greens are willing to write that off. I am not and Labor is not. A total of 200 hectares out of 447 000 is the trade-off for 500 jobs and the township of Rosebery.

### **Time expired.**

[11.39 a.m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, I start by reasserting the importance of using the proper words when we are talking about this place takayna/Tarkine. The local Aboriginal people have always referred to this place as takayna. That term has been in use for some tens of thousands of years. It is an ancient landscape shaped by the people who have lived there for tens of thousands of years. That is why it is referred to as takayna. Why it is referred to as the Tarkine is because it was gazetted as such on 8 July 2009. When place names were assigned, the place name of Tarkine was assigned to a locality within the west coast that was geographically bounded as stated in the gazette.

The minister, Mr Barnett, who continues to use 'so-called' is perpetuating a myth. In reality, this place is bounded, it is described as such within our state records but, more importantly, it has always been referred to as takayna by the people who have lived here for tens of thousands of years.

Those people are the starting point for this campaign, which is only now beginning, against the MMG tailing plant. The people who have lived there, know and are very clear, that this is a place of immense beauty and importance, not only for the animals and plants that live



there now, not only for the fact that it is the largest temperate rainforest intact on the planet, but because it is a place of sacred Aboriginal existence and culture.

On that basis and for all of those reasons, it cannot be used to dump toxic tailing remnants, when there are alternative sites that the company is refusing to look at because it would cost them a dollar more.

We reject the idea that the Premier is doing what he can to further the best interests of Tasmanians because if he were, he would be making it a first order priority to speak to MMG about those alternative sites, making it clear to the people of Rosebery that there are alternative futures. But the future that he is offering as Premier of this State, is one of division and it has only just started. We really need to understand this. This campaign is building to be the scale of a Franklin Dam.

When you have people of the breadth -

**Members** interjecting.

**Mr SPEAKER** - Order. The member should be heard in silence. Order.

**Dr WOODRUFF** - and the scale of the people who have put their bodies on the line right now, when you have people of the importance and breadth across the Tasmanian community, you will come to understand that this campaign has only just started; 37 people arrested over 37 days.

You have Anthony Houston, respected Tasmanian businessman, respected agriculturalist, you have Pete Hay, respected former Labor Party adviser, writer and a man who has so much wisdom, you have cricket groups forming again, 40 to 50 years after people played together, as they were yesterday. Four people were arrested, four mates who played cricket together, glad to do what they could. Glad, as many people have said, older people who have been arrested, to stand up at a time that they should have done earlier, but never late than never, to keep this beautiful Island lutruwita, to keep this extraordinary rainforest in the Tarkine/takayna intact for future generations.

They see young people putting their bodies on the line and they realise it is a grave mistake if older people do not take responsibility for the legacy that we are leaving our children. That is why you have the football team have got together, people who are now running tourist accommodation places around Tasmania, people whose very businesses rely on the quality of what Tasmania has to offer to tourists, a clean, green brand, they want a future for their tourism industry. They do not want it to be sullied by the noxious brand that the Liberals are intent on stamping on Tasmania, fully backed by the Labor Party, who are clearly incapable of imagining that you could do anything other than say 'yes whatever you want' to an international mining corporation. What is wrong with standing up for our island and saying 'no. There are alternatives, go and find them.' Of course, there are alternatives. You do not bend over for Rio Tinto and MMG and other international mining corporations and give them what they want without standing up first of all and protecting your own place for the future and for the people today.

So, 50 to 60 people, growers last night were there at a meeting. We have got young people and older people, and there are alternative sites. Thank you to the Bob Brown

Foundation for the Tasmanian devil monitoring work that they did with those meat traps, doing what they need to do to understand the extent of the threatened species that live in this place, when we are protecting them on Maria Island, we need to protect them in their home in the Tarkine and the Greens are continuing to support the BBF and protesters.

**Time expired.**

[11.45 a.m.]

**Mr ELLIS** (Braddon) - Mr Speaker, it gives me great pride to speak on such an important matter of importance today because we know in the north-west, West Coast and King Island that mining is the lifeblood of Tasmania's economy. It accounts for more than 50 per cent of our exports. It is almost the central economic activity that we have here in Tasmania.

You have to weave a lot of baskets to make up for the lost revenue that we are going to see if this Rosebery mine closes down. This is the only option. You cannot mine in a sustainable way without a tailings dam. The only option other than that, is for it to just go directly into the rivers, directly into the forest. This is the sustainable approach. As it has been said before, it is a closed circuit; you want to keep it on site and you want to make sure those resources can be mined in the future.

It is funny that one of the few mines the Bob Brown Foundation supports is an old tailings dam at the Cleveland mine. It is bizarre. And, do you know where it is? It is between the Arthur River, the Pieman River and the Murchison Highway - the so-called Tarkine. They believe in mining a tailings dam in the Tarkine. Scott Jordan's only viable economic activity that he wants to see in that area is actually mining an old tailings dam site, and that is the hypocrisy of the Greens. They are people who want to live in a house that is made of timber, that is made of steel, that is galvanised with zinc that is mined at the Rosebery mine. They want to have concrete which comes from coal mines, from quarries in the North West Coast and across the seat of Lyons. Yet, when it comes to people having jobs, they do not want to see it.

It is that kind of short-sighted, destructive, divisive approach to the economy of Tasmania that provides futures for our young people, that provides jobs for generations. This mine is 85 years old. It was discovered and developed and it is operated by good, hard-working Tasmanian people and you do not want to see them work any more because you do not believe in a tailing dam -

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. Mr Ellis pointed straight at me, so I do take it personally. Saying I do not want to see people in Rosebery work any more is untrue. Could he please withdraw it immediately?

**Mr DEPUTY SPEAKER** - I ask Mr Ellis to withdraw it.

**Mr ELLIS** - I will withdraw it.

We want to see a future for these people on the West Coast and the people on the north-west coast who come down to that region and work to provide for their families. This mine provides so many opportunities for young women who want to be apprentices in the mines, who want to drive trucks, who want to have a future earning good money and providing for their families. The BBF's call to lock-up 440 000 hectares in our state would be destructive for

the economic future and the economic fabric for the West Coast and the north-west, in fact for the whole of Tasmania. There are thousands of jobs put at risk by the recklessness of the Bob Brown Foundation and hundreds of millions of dollars of economic activity. It is disappointing to see that the Bob Brown Foundation would attack the proposals for an existing operation that intends to secure the future of about 500 regional jobs.

I use to work at MMG at Rosebery. It is a great place to work and there are people who are very happy to be doing so just as people have done for generations - 85 years. We want to make sure those people have a future and the only way you can have a future in mining on the West Coast is to make sure you are building tailings dams that support that mining.

One of the most frustrating things is the idea that the Greens and the Bob Brown Foundation are trying to put out is that it is wilderness. Just a simple look on Google Maps will show you that this tailings dam proposed site is closer to the existing Rosebery mine than the Rosebery golf course. It is smack-bang in the middle of mining country on the West Coast. It is closer to the Rosebery mine than the Bobadil tailings dam.

There are three tailings dams in the region. There is the Murchison Highway, there is the Pieman Rd, and there are transmission lines all over from the existing Hydro dams that have been there for generations. These people have completely lost touch with reality. I would almost feel sorry for them if it did not mean that my friends could not go to work and that my kids could not have the opportunities that I had to get a job on the West Coast, to save the deposit for a house and to provide for my family. These people do not see what the rest of us see because they do not live there. They have never worked there. They do not want to see a future there. They say: 'if it was on that side of the river it would be fine'. This is not Hobart. It is okay to cross the river. It is simple, plain, decent common sense that a mining region, which has been going for more than 100 years, should be able to do so sustainably in that place.

And guess what? It is a permanent timber production zone. It is a mining lease that was signed for the purpose of having a tailings dam there. One of the sad things is that the Greens have said that they have been to the site. I can tell you, they have not. They have been to the forestry road that already exists in that 'pristine wilderness' that has been logged for generations but they have never actually been onto the ground where this tailings dam will go. I have. The minister for Mines has, and do you know what it is? It is a swamp that is not very pretty that has an existing forestry road. I do not know what you want to see from this place that it would be the kind of pristine wilderness that you think would be worthy of protection. There are more ferns in my garden than there are at this site.

One of the most disappointing things we are beginning to see from the Bob Brown Foundation is they are becoming increasingly unhinged from reality as so many of the things they have been trying to achieve have been achieved. We are all conservationists in this place. We all want a future but we are not extremists. We want to make sure the minerals that are mined on the West Coast are provided for generations, that those jobs are available for people and that Tasmanians can get the most out of mining in a sustainable way rather than the lock-up from the Bob Brown Foundation.

**Matter noted.**

## **SUPPLY BILL (No. 1) 2021 (No. 10)**

### **Second Reading**

[11.53 a.m.]

**Mr FERGUSON** (Bass - Minister for Finance - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

I am taking this bill through the House on behalf of the Treasurer. As members are aware the 2021-22 Budget will be presented on 26 August 2021. It is anticipated that Royal Assent for the 2021 appropriation bills will be granted in early- to mid-October 2021.

As is standard practice when a budget has not been passed by the commencement of the budget year, a supply bill is needed to make interim provision for the appropriation of funding from the public account to enable the provision of government services until the budget appropriation bills are enacted.

Treasury estimates that an appropriation totalling \$2 202 100 000 is required to enable the continuation of the normal services of government, including services in respect of parliamentary and statutory officers for a period of four months to 31 October 2021. This amount has been determined with reference to actual agency expenditure for the first four months of 2020-21. Also, the revised 2021-22 estimates as presented in the 2020-21 revised estimates report and in consultation with relevant agencies. In accordance with current appropriation conventions, two supply bills have been prepared. The bills reflect the allocation of agency outputs to ministerial portfolios in accordance with the structure of the Tasmanian Government.

Supply Bill No. 1 2021 makes an interim provision for the appropriation of \$2 189 745 000 for the services of the Government. This includes \$1.947 billion for expenditure on operating services. A further \$222.7 million is provided for expenditure for capital services to allow the Government's infrastructure program to continue to be delivered in the new budget year.

In accordance with section 21 of the Financial Management Act 2016, \$20 million has also been allocated for the Treasurer's Reserve to meet expenditure which cannot be reasonably foreseen and which is necessary for efficient financial administration.

Supply Bill No. 2 2021 makes an interim provision for the appropriation of \$12.4 million for the services of the Government in respect of parliamentary and statutory officers for operating services expenditure. These supply bills are administrative in nature as they provide for the continued provision of existing government services and capital expenditure pending parliament's consideration of the Budget for the 2021-22 financial year.

I commend the bill to the House.

[11.56 a.m.]

**Ms WHITE** (Lyons) - Mr Deputy Speaker, I rise to make a contribution on Supply Bill (No. 1) 2021. I note the fact that the Treasurer is not here to take this bill through, which would have been his first bill in the new parliament and I find that odd. I am not sure why the

Treasurer is not able to do his own work and has instead got the Minister for Finance to take this bill through, and I presume Supply Bill (No. 2) as well, if this is how things have started. Maybe it is the fact that the Minister for Finance is going to do all the heavy lifting in this portfolio and the Premier is only taking the Treasurer's portfolio by name only. Time will tell.

I also noted in question time when the Treasurer was asked a question by the Leader of the Opposition as to whether this Government was going to impose any new taxes or sell any assets that he had to actually look to the Minister for Finance first to know how to answer that question. When he was asked whether there would be any new taxes introduced by his Government, which was a promise he made at the last election, before he answered he looked around at the Minister for Finance and made sure he was getting the answer right. That is quite interesting. Obviously he has palmed off a lot of responsibility to his leadership rival, the Minister for Finance, Michael Ferguson, including this bill here today.

Why are we debating this bill here today? The end of the financial year is next week. This is a supply bill that provides four months of funding for the continuation of government services, the continuation of wages being paid across our public sector, delivery of essential services for the Tasmanian community and construction of infrastructure projects, because we have not had a budget when we normally would have had one.

That was a deliberate decision this Government took. It is interesting on reflection now to think that they knew all along we were going to have an early election, an election that was called one year early, which has interrupted the normal operations and meant that we are in this place now talking about a supply bill to make sure continuation of government services can happen uninterrupted without disruption to funding for those services, but also that we are doing it this week.

It is a bit of a rush. These bills need to pass both Houses of parliament and receive royal assent by next Wednesday. That is a very short time for the parliament to analyse bills of this nature and pass supply bills that provide more than \$2 billion for the Tasmanian Government to use. I cannot help but think that maybe we would have been back here a little earlier if Mr Ellis had been elected and not Mr Brooks. If Mr Brooks had not had to resign, then maybe we would have had parliament resume sooner than this week and had more time to scrutinise government legislation, including these supply bills.

**Mr Jaensch** - You spent a month working out who your leader was.

**Ms WHITE** - Don't worry about us, Mr Jaensch. Members of our side of the House are always ready to work. The fact is the Government did not even know who their members were, Mr Jaensch. Despite the fact that the election had been completed you still did not even know who was going to sit in this place. In fact, it was a pretty close call as to whether you were going to sit in this place, Mr Jaensch, for a little while there.

**Mr Ferguson** - He did very well.

**Ms WHITE** - It is nice to see you here, but the fact is -

**Mr Jaensch** - Thank you.

**Ms WHITE** - Well, preferable to Mr Brooks - but the fact is because of the mess that you created because of the fact that you did not follow appropriate due diligence and the Premier was too gutless to stand up when it became obvious to everybody except the Premier that Mr Brooks was not going to be able to return to this place, the parliament has not been able to return until this week. Now we are in a rush to pass these supply bills which are critically important because we need to make sure we can pay people to continue to deliver the essential services the community needs.

I understand that under section 27 of the Financial Management Act that if these bills do not pass this place in the time frame that you require then a government has provision to allocate 20 per cent of the last financial year's budget to make sure people can continue to be paid and services can continue to be delivered, but it would be the first time that section is enacted since that act came into place so that would be quite unprecedented. I am sure that the Minister for Finance and the Treasurer are sweating on the fact that we get these bills through the parliament so they do not have to enact such a clause.

Going to the content of these bills, I have some questions which I raised in the briefing. I thank the department and the minister's officer for providing that briefing. There were questions asked there that were not answered and I flagged that I would be seeking a response to them today, so I will put them on the record first so that the minister has time to consider them.

One of the questions I had was in relation to the unallocated COVID-19 funds. I understand the methodology that has been used to determine the figure you have arrived at for the four months which is actual agency expenditure for the first four months of 2021. The revised 2021-22 Estimates is presented in the 2021 Revised Estimates Report and in consultation with relevant agencies, but I am keen to understand whether as a part of that it includes the unallocated COVID-19 funds that had been provided in case we had another outbreak in this state and also the unallocated infrastructure fund which had been provided in previous budgets as well. The department indicated they would seek to find answers to that, so I would ask for you to provide those during the course of this debate, please.

I also have some other questions relating to the allocation of funding in this supply bill because the last document it relied upon was the RER, so it has not taken into account the Premier's Address where the Government outlined a range of different commitments or the election, where many millions of dollars' worth of commitments were made.

I want to speak about those things but before I do I will reflect on the Tasmanian Government Fiscal Sustainability Report 2021 because it also has not factored into its thinking any response to that report. That matters because that report highlights some structural deficiencies and problems with the budget as it projects across the next 15 years and it makes it very clear that the Government needs to take action sooner rather than later if we are going to address some of those projections and remediate the fiscal deterioration that we see across every scenario that is modelled.

It does not seem like the Government has a plan here. What they have done with this supply bill is simply rolled things over for another four months not taking into account the extra spending that they made through the election or the state of the state address provided by the Premier in March and certainly ignoring the fiscal sustainability report, because as the minister said in his second reading speech, that has not been considered. They have considered other

things in identifying these allocations but they have not named that. If that is not the case I would be happy to be corrected, but it is my understanding the Fiscal Sustainability Report has not been considered in the Government by the Government when they have put together this piece of legislation before the House today. This is a failing on behalf of the Premier, the Treasurer who is not in this place to take his own bill through, because we need to make sure there is a plan to deal with what is outlined in the Fiscal Sustainability Report because every projection modelled under every scenario forecast deficits and net debt growing to many billions of dollars. In the executive summary of that report, the Treasury Department says: 'The analysis undertaken in this and previous fiscal sustainability reports has established the importance of the following ...' and the first dot point is: 'early action to correct fiscal deterioration will mitigate the severity of the measures required to effectively maintain fiscal sustainability'.

We have not seen any plan articulated by this Government, in fact the press release put out by the Treasurer on the same day the Fiscal Sustainability Report was released did not even mention his acknowledgement of these problems. In fact, he tried to say this was a strong statement about the state's budget situation. Maybe, for one or two years but not across the course of 15 years which is what is projected out in this particular report. It is incumbent on this Government to make sure they have a plan to deal with the deterioration in the fiscal situation outlined in the Fiscal Sustainability Report otherwise, how are we going to continue to fund essential services? How are we going to continue to provide jobs for people, building the infrastructure that this Government keeps announcing but not delivering because it is quite clear the budget is projected to go into debt and deficit across the course of the next fifteen years. This should not have come as a surprise to the Government.

I reflect back on what the Premier said in his budget speech in 2018 when he foreshadowed a 'golden age'. In that budget speech and in those budget documents he released in May 2018, the Premier glowed about a 'golden age for Tasmania'. They were 'on the cusp of a golden age'.

What do we see today, Mr Deputy Speaker? Waiting lists that have blown out to record levels for people who are waiting for healthcare. One in eight Tasmanians are waiting in pain, some of them for years before they can access the healthcare they need. Waiting lists for housing - 4000 households waiting; some with children; some cases of more than two years for safe and secure accommodation. Those people are not benefiting from a so-called 'golden age'. They have wasted the golden years. In fact, in 2019 in the budget speech delivered by the Premier/Treasurer on that occasion he did not reference a 'golden age' then. This was pre-COVID-19, but what he did reveal is net debt forecast to go to \$1 billion across the forward Estimates.

This is going from a situation just one year prior, where net debt was not forecast at all to a situation where there was a deterioration in the budget position forecasting that debt of \$1 billion in the output and that was pre-COVID-19. The Government has no one to blame but themselves for that, after the Premier's elaborate cries of a 'golden era'. He knew well before the Fiscal Sustainability Report was handed down this year there was deterioration across the forward Estimates for Tasmania's Budget.

Did he ever put in place a plan to deal with that? I have never seen one. I do not see one here in this Supply Bill. I have not heard him articulate one since we have returned to this

parliament. I have not heard him talk about one since the Fiscal Sustainability Report was handed down. He is not even in the chamber to take his own bill through.

What we do have in this Supply Bill is an issue where a number of commitments that have been made by this Government since the RER was handed down that simply have not been accounted for.

If I look back to the state of the state Address the Premier gave on the 16 March in this place and look at the commitments given to spend money to implement the Premier's Economic and Social Recovery Advisory Council recommendations, which the final report handed to the Government identified 52 recommendations of which the Government said, and I quote the Premier in his Address, 'And today I am committing to accept, however challenging they may, be all of the reports 52 recommendations'.

I understand there is no allocation of funding in this Supply Bill to progress any of those because the agencies are expected to do that from within their existing allocations. Of those 52 recommendations and of the commitments the Premier gave in the state of the state reply I have gone through and highlighted the ones where there is an allocation of funding attached. Macquarie Point - \$77 million, a \$30 million building construction loan scheme - that is a loan not a grant so it will be treated a bit differently - but there is a jobs Tasmania local network of \$20.5 million; \$3 million for 600 training places, Youth Navigators - \$850 000. It goes on in line with the PESRAC's recommendations, the Premier says they will invest a further \$41.2 million over four years to fully fund phase one and two of the Government's response to the CAMHS review, critically important and desperately needed investment in youth mental health services.

It is my understanding, and I ask the Minister for Finance if he could confirm this, is that no extra allocation has been provided in these supply bills to fund those PESRAC recommendations, to fund the state of the state commitments the Premier outlined in March or to fund your election promises because in your second reading speech the amount you have determined with reference to the dollar bills in this Supply Bill (No.1) are drawn on from the actual agency expenditure of the 2021 financial year, the revised Revised Estimates Report which was handed down in February and in consultation with relevant agencies. Unless in consultation with relevant agencies, you have made sure there is adequate provision to progress these within the first four months at least of this financial year, then agencies are going to have to try and progress some of these within these existing allocations.

What might some of those look like? Well, the Government's first 100-day plan outlines precisely what you expect agencies to start delivering on behalf of the Liberal government within the first 100 days. Many of these have dollar figures attached to them. So, within the first 100 days we can expect to see things like small business, financial counselling and advice and support, a Tasmania employer bonus to incentivise employers to take on long term employed job seekers for \$6.5 million, increasing the Building Projects Support Program by \$10 million, a new \$33 million agriculture development fund, and there is \$15 million Headworks Holiday for new residential subdivisions to unlock new land supply.

You get the picture, Mr Deputy Speaker. Here is an example of some of the commitments that have money allocated to them in the first 100-day plan of the Government. I have highlighted them here. It is my understanding that election commitments that were made by the Liberal Party have not been provided with an allocation and supply view. In the first four



b gvmomths which coincides with the first 100 days, agencies are expected to deliver on these commitments without any extra money. They are expected to do more with the same amount of money. They are expected to recruit to fill vacancies in the health sector; desperately needed positions that have to be filled with no new money. How are they supposed to do that?

**Ms O'Connor** - Well something has got to give.

**Ms WHITE** - How are they supposed to do that? There is no doubt that the fact we had an early election, the budget has been put off until August, the parliament has not come back until just this week because the Government was not able to form the numbers because Mr Brooks was not going to be here and there had to have a recount to decide who might actually be the new member.

This means we are in a situation where the Government has not done the work. They have not outlined a plan for how they are going to respond to the fiscal sustainability report, there does not seem to be any acknowledgement that one is required. The Treasurer is not even in the room to take his own bill through, which you would think given it is a new parliament and a historic occasion that he might have an interest in that. I am curious and I hope the Minister for Finance can explain to me why in this supply bill no provision has been made to help fund your election promises in the first four months of the new financial year. Is it the case that all of the commitments outlined in the state of the state address by the Premier in March have to be funded from existing allocations until we get to the August Budget? If that is the case, agencies are going to be under the pump and that is not good for them or for the Tasmanian community, especially when we know there are so many structural problems that exist that are affecting people's lives, impacting on their ability to secure housing, access health care, or gain skills and qualifications to help them get a job.

The Government has a responsibility to tackle regional unemployment, which is far too high and to tackle youth unemployment and underemployment, which is also far too high. Our unemployment rate is the second worst in the country. There is a lot that needs to be done and all the Government has done here is kick the can down the road, roll over some funding for the first four months of the new financial year until we get to an August budget, with no plan articulated for how they intend to address the significant serious problems outlined in the Fiscal Sustainability Report. The Tasmanian community deserves better. It is simply not good enough.

The Government expected to come in today and put a supply bill on the Table and have parliament wave it through and everything would be fine because it is a money bill. We want to make sure people are paid and make sure that services continue to be delivered, but the fact is the parliament has a big responsibility here to hold you to account and make sure you do the right thing.

It was frustrating even listening to the Premier respond to a question from the Opposition Leader today who asked how much of the infrastructure announcements made by this Government have been delivered to date. He said we will have to wait for the Budget in August. We are nearly at the end of the year. He should be able to provide an up-to-date answer to parliament, but instead, like everything, he will put it off until the Budget in August.

We are about to go into recess for another seven or eight weeks. Parliament will not be sitting. There will not be scrutiny of government or government decision-making. In the

course of this year parliament has barely sat because the Government called it quits early and went to an early election and avoided scrutiny at a time when things like the Fiscal Sustainability Report shows significant deterioration.

We need to be in this place doing the work, but I do not expect to get much of a comprehensive response from the Government or this minister and, in fact, it is not even the right minister, given the bill is supposed to be brought in by the Treasurer, as he outlined when he first got to his feet, which is an indictment on the Premier and Treasurer for not even taking the time to be in this place to take this bill through.

[12.18 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, I thank the new shadow treasurer from Labor for that contribution which I found constructive and interesting. Thank you very much.

The Greens will be supporting Supply Bill (No. 1) 2021 because clearly we need to keep paying our dedicated public servants and make sure that quality public services are being delivered to the people of Tasmania, but it raises a whole sequence of questions about what the plan is on this Government's part to respond to the Fiscal Sustainability Report, which across every scenario, projects ongoing deficits and debts.

You have this completely contradictory approach where on the one hand Treasury is going, in fact the Budget is looking rocky as we look into the future, and on the other you have government saying no new taxes. We do not have any clarity of understanding about where the Government will be drawing its revenue from in the future or indeed what services will be cut and whether or not there will be another attack on the public service, as there was when the Liberals came to government in 2014-15 when hundreds of public servants lost their jobs.

The first question we would like answered is why the Treasurer is not tabling and delivering this legislation and why it has been relegated to the Minister for Finance. We would like to understand what the Government's response to the Fiscal Sustainability Report will be and how it marries its commitment to no new taxes as well as the hundreds of millions of dollars that have been promised during the election campaign with Treasury's dire forecast about the future.

I will go through the bill shortly because there is a series of questions we want to ask about the allocations, particularly in capital works. I absolutely agree with the shadow Treasury spokesperson that if a minister is asked at this stage in the cycle what the Infrastructure spend has been to date, that is information that should be at their fingertips and it is disrespectful to the parliament and the people of Tasmania not to be able to detail that. It is information that would be readily available to the minister and should be made available to the parliament and therefore to the people of Tasmania.

A little later this afternoon we will be debating the Treasury miscellaneous legislation, which brings in some measures for land tax relief - again, cutting revenue at the same time as Treasury's warning about shrinking revenue streams in the future. I listened to Ms Ogilvie's contribution the other day where quite disingenuously she said that by cutting land tax you are putting downward pressure on rents. Ms Ogilvie needs to get out more. There is only upward pressure on rents and there is a range of reasons for that. Substantially it is about the Government's failure to deliver on supply. It is also about the Government's failure to regulate

the short-stay accommodation market, but the notion that landlords, because they have a modest cut to their land tax responsibilities, will pass that onto tenants, I think is naive at best. I understand that the Government has made it clear that its expectation is those savings would be passed on to tenants, but London to a brick, Mr Deputy Speaker, they will not be. There are still tenants who to this day are being told that their rent will increase substantially and to unaffordable levels.

I have a family member on a disability support pension who already pays \$250 a week for a very small, very modest flat in Hobart, and a note has come from the agent to say that the rent will be going up by \$50 a week. This is someone on a disability support payment. This is a story that is happening all across the island. There is a deep and worrying disconnect between the language of the Premier and the ministers about the state of Tasmania's economy and the social reality on the ground.

**Mr Jaensch** interjecting.

**Ms O'CONNOR** - We have 120 000 people living in poverty. I hear the failed and former Housing minister heckling from behind me on the issue of housing, a portfolio that was taken away from him because he failed to deliver. Mr Jaensch knows full well that for the first three state budgets there was no increase in the supply of money to build more homes for Tasmanians who need them. We now have a public housing waiting list that is over 4000 people, and they are just the people on the list, because out there in the community there are people who are not on the public housing waiting list who are in desperate housing stress. There are people who are homeless who are not on the public housing waiting list.

In my entire time in parliament I do not think that the public housing waiting list has been over 4000 people. What I do know is that under the Labor-Greens government with a Greens minister, the public housing waiting list was at its lowest level in a decade.

We are not in a golden age, Mr Deputy Speaker. The state's economy is doing quite well for a range of reasons but we should acknowledge that people are coming here not because they are won over by the economic policies of a Liberal government. People are coming over here to escape a heating continent. People are coming here after the 2020 bushfires, because if you had a look at the Bureau of Meteorology map at the time, the whole country was a deep red purple and there was a little green drop at the bottom of it. They are images that people saw all over this country.

I have spoken to many climate refugees who have come to this place to seek sanctuary from a heating planet and a heating continent. We also have people who are moving here as a response to COVID and a global pandemic because they understand that being on an island provides a barrier, provides some safety and we have all benefited from that.

It is galling to hear the Liberals claim credit for the fact that people are coming to live here substantially because of global events and this place is seen, and rightly so, as a safe and welcoming community. It has got nothing to do with the Liberals' economic policies because people who come here - families, working families - are coming here and are unable to either buy a home or to rent a home.

**Mr Jaensch** - So we need to build more.

**Ms O'CONNOR** - It is actually very glib. The failed minister for Housing glibly says that the only answer is to increase supply. Unfortunately, this minister and this Government did not recognise that for the first three years between 2014 and 2017. It also has an awful lot to do, Mr Jaensch, with the explosion in short-stay accommodation which your Government, and you as minister at the time, manifestly failed to regulate. Now, instead of bringing in some rent controls like the ACT, your response to soaring rents is to give the property class a land tax break as if it will be passed on.

**Mr Jaensch** - An incentive for investment.

**Mr DEPUTY SPEAKER** - Order, Mr Jaensch.

**Ms O'CONNOR** - He is out of control, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER** - I do not need your help thanks, Ms O'Connor.

**Ms O'CONNOR** - Mr Deputy Speaker, I have not heard the Premier or a government minister acknowledge the extent of the poverty crisis in Tasmania. That is reckless. It is out-of-touch and it lacks compassion from a premier who said he would lead a compassionate government. We are prepared to cut him a break because we want to see that compassion manifest in good public policy.

Every Tasmanian who needs a home has a right to a home, a secure and affordable home but under a conservative government it is the property class that are prioritised, not people who are living in poverty. They have to swallow the line that they are living in a golden age.

One of the disappointments in the Fiscal Sustainability Report - and it is an issue that I have taken up with Treasury before - is the failure to acknowledge that accelerating global heating will impact on the budget. There will be a whole range of expenditures that government will need to make in order to respond to climate change, just as after the Dunalley bushfires in 2013 there was a whole range of unexpected expenditures there the Government needed to respond to in order to help the people of Dunalley and everyone who was affected by bushfires. After those devastating bushfires went through the Tasmanian Wilderness World Heritage Area in 2019 there was a whole range of extra expenditures that went through this place for the Parks and Wildlife Service, for the Tasmania Fire Service, for the SES and thank you to all those services for the outstanding work that they do.

Good, responsible fiscal management in this age requires us to understand that the planet is heating exponentially, more rapidly, and we are a little island that can be buffered from some of the worst effects because of where we are but we will not be buffered from all of the effects. As I said yesterday, we drove through the Central Highlands on the way back from takayna on Saturday and one of the most devastating sights I have ever seen in my life is the skeletons of Miena Cider Gums. Some of those gums have marks on them that were put there by the palawa people. They exist nowhere else on earth.

Climate Futures tells us that the Central Highlands will receive less rainfall over the next hundred years. It is already drying. The consequence of that will be less run-off. That will impact on water supplies, on the quantity of water, the quality of water and the level of environmental flow through our river systems.

We have to start accounting for the increased impact of climate on our budget. We need to start working with communities on comprehensive adaptation planning. That will require resourcing. We need to look at the way we have extracted resources and make some adjustments. We cannot look children in the face and tell them it is okay to log our carbon stores because they do not buy it. They understand that the science is very clear about the need to keep the carbon that is in the ground in the ground and to return more carbon to the ground to draw down CO<sub>2</sub> from the atmosphere through forest protection and management and through restoration.

In that restoration there are many jobs. We have so many skilled forest workers on this island and when I talk to those people the one thing that really stands out to me is that they just love the bush. It is not that they love chopping down trees or being part of a native forest industry which has some image problems. Most people I know who work in the industry really love the bush. So why would we not harness that to repair some of the damaged landscapes here? We are going to have to. It just baffles me. We pretend in this place - or the collective does, not the Greens - but we pretend that life is going on as usual out there. It is not and we have to do things differently. We need to understand, as PESRAC made clear, that our competitive advantage is our natural environment.

The wilderness is Tasmania's competitive advantage. It enables our fantastic agricultural producers to get a premium on their exports and it draws people here from all over the mainland and all over the world to experience something which is disappearing from the planet so we need to look after nature.

PESRAC made it clear and that was the feedback from around 3500 Tasmanians. Many Tasmanians - they might be people that Liberal ministers or backbenchers get up and denigrate as conservationists - are conservationists at heart. It is the extent of their commitment that can waver. We are talking here about 3500 everyday Tasmanians from all walks of life and the consensus that they reached according to PESRAC is that our clean green natural brand, that myth, does not stack up to the reality and we are seeing it.

We have a Government that in real time is undermining the brand, the brand that gives us economic heft, not just nationally but globally. You have PESRAC saying if you want a sustainable economic recovery you have to look after nature. Yet we have a government here that backs in a toxic mine dump in the Tarkine, that is accelerating native forest logging, privatising protected areas, supports sticking a cable car up kunyani - the wilderness in our backyard - and wants the fish farming industry to double in size by 2030.

It is an industry which has been largely unregulated, let off the hook every time by the not independent Environment Protection Authority, and which has poisoned waterways. It has led to great piles of fish faeces, as well as worms, underneath pens to the extent that people cannot catch a fish, for example, around the D'Entrecasteaux Channel where there are fish farms. That is not clean and green and it undermines our brand. To have integrity a brand needs to be upheld through good public policy - policy that looks after nature. We encourage the Department of Treasury and Finance to get the program and look at the outstanding science that is founded here in nipaluna Hobart, in Tasmania on climate futures and incorporate that into their future fiscal sustainability examinations.

In terms of specific allocations, could the Minister for Finance explain what the \$431 000 capital allocation to Children and Youth Services is going towards? Is that capital funding part of upgrading the failed Ashley Youth Detention Centre?

There is an \$18.5 million capital allocation in Development, Construction and Housing. How many homes is that projected to build and does it include the money that we would otherwise have sent to the Commonwealth under the Commonwealth-State Housing Agreement, which sat at around \$17 million every year?

What is the \$132 000 capital allocation for the Minister for Finance for?

**Ms White** - His empire.

**Ms O'CONNOR** - That is a pretty cheap empire-builder.

There is a nearly \$18 million allocation for capital services in the Minister for Corrections' budget. Is that money that will be allocated to an unpopular, divisive brain burp of a site for a proposed northern prison, because that it is a substantial capital allocation?

Interesting and entirely unsurprising that there is no capital money there under the Minister for Climate Change's portfolio.

I do not know if you picked up all of those questions, minister?

**Mr Ferguson** - I would be happy to receive a summary from you while I am summing up and obtain those answers. I have made a note of some of them but not all of them.

**Ms O'CONNOR** - You have made notes?

**Mr Ferguson** - I would like it if you could provide me with your summary and I will obtain those answers.

**Ms O'CONNOR** - Minister Ferguson, unlike you, I do not have an army of advisers to write my speeches and questions. I do not have them written down.

**Mr Ferguson** - I have been writing them down.

**Ms O'CONNOR** - I would have hoped you were paying attention because when members are on their feet asking questions of the minister -

**Mr Ferguson** - Thank you for the advice.

**Ms O'CONNOR** - No worries.

**A member** - Thanks for Greensplaining that.

**Ms O'CONNOR** - Any time.

It is important for the House to know when the Minister for Finance will be tabling the amendments to the Gaming Control Act 1993. Before we were sent off to a needless early

election, in response to a Greens question, the Premier said he expected that the legislation to keep poker machines in pubs and clubs on an individual licence model - and to cause, of course, endless social harm and distress - would be tabled in the first half of this year. We have another sitting week before the winter break. I would like to know, and it is reasonable to ask because there are budgetary implications - and I am certain that the minister's agency advisers have been working on the legislation - when we will see the amendments to the Gaming Control Act 1993. As we know they are the quid pro quo for the hundreds of thousands of dollars, if not millions, in donations and in-kind support funnelled into the Liberal Party in order to secure them a win in 2018: arguably one of the most immoral election wins in Tasmania's history. If the minister wants me to write those questions down because he was not paying attention I am very happy to do that, but those questions were reasonable and self-explanatory.

In closing, there is a question here about the revenue for Tasmania going forward. As we said repeatedly during the election campaign, in Tasmania corporations pay some of the lowest royalties and license fees in the country and if the mining industry had even paid the national average in royalties over the past 10 years the Tasmanian budget would be \$460 million better off. The people of Tasmania are being robbed because this state has failed to charge a fair price for its wealth. This is a cultural legacy issue where we have been so desperate down here to provide secure employment that successive governments have gifted mineral wealth or our public waterways to corporations over many decades.

Could the minister please give the House some indication whether there is any plan to stop Tasmania from being an absolute laggard nationally in the royalties and license fees it charges, or if perhaps given the projection of the very difficult fiscal circumstances we are entering, there will be consideration to making sure Tasmanians reap some more of the benefit of their own wealth?

[12.41 p.m.]

**Mr FERGUSON** (Bass - Minister for Finance) - Mr Speaker, I thank the members for their contributions to this debate and from the outset acknowledge the general support for what is an administrative bill to ensure that we can continue to provide the financial resources to our agencies to continue to deliver services to Tasmanians and that is precisely what this is about. That is why in some cases questions that have been posed particularly by the latter speaker, Ms O'Connor, the member for Clark, the Leader of the Greens -

**Ms O'Connor** - Thank you.

**Mr FERGUSON** - who demands respect but does not give a lot around, to get the titles just right, not all of those questions are in the scope of this bill. I will not attempt to answer all of them. I will endeavour to provide answers to the range of questions that have been asked and I am grateful because, Ms White, you did in particular provide some earlier notice of some of those questions.

**Ms O'Connor** - Oh, is that the way it is going to be now? We have to give you a list.

**Mr FERGUSON** - Did you not hear what I said, Ms O'Connor? I said I thanked Ms White for the earlier notice of some issues that would be raised so we are well prepared with those questions. That is not unusual, but anyway, if you want to play your politics that is a matter for you.

The first question was why I am bringing this bill through. I do not have to answer that but I am happy to. The Treasurer and I worked together in a united fashion and I understand that is a partnership that would be unfamiliar to the former leader of the opposition and the shadow treasurer. They are part of a party riven with division, fighting each other behind the scenes and on the radio, right for all Tasmanians to listen to.

I am a great admirer of the Premier and Treasurer and we work well together. That is as we should because we are in the service of Tasmanians while the Labor Party basically hate each other and are prepared to go to war. It frankly surprises me that that would be made by Ms White in an attempt to get a cheap and early grab at a political point. It is understandable that you would not recognise that, but I think that the House would also recognise that the Treasurer and Premier has faith in me to look after these bills today. I intend to do them as best as I can while he continues his important work as well. You have given the Treasurer credit; these bills were prepared by him and his office and the Treasury in the ordinary way and that is a great credit to them all.

In terms of the timing I am very surprised the shadow treasurer would dare to bring that up. I would be surprised if Ms White wants to talk about the circumstances around the election being called and the re-election of this Liberal majority government -

**Ms O'Connor** - By one seat. You're so smug.

**Mr SPEAKER** - Order.

**Mr FERGUSON** - And in Hare-Clark one seat is a great result, because not only did we have to beat Labor, we had to beat you both.

**Ms O'Connor** - Like it was in 2018.

**Mr FERGUSON** - We had to beat you both because Labor and the Greens would have done a deal again. We had to get more seats than both the Labor and the Greens and also, with regard to the timing, look, hello, you two put Sue Hickey in that chair. You two created the problem. You two connived to disrupt and take away confidence from the previous government.

**Ms O'Connor** - No, we asserted parliament's supremacy over executive government.

**Mr FERGUSON** - Why did you do it? Because you were sour grapes, licking your wounds because you did a Bill Shorten. You lost the election that you had already claimed victory for. That is a matter of history. We have a fantastic Speaker in the chair. I have so much confidence and admiration for you and I am prepared to reflect on you in that way. I am grateful and congratulating you on that appointment.

**Government members** - Hear, hear.

**Mr FERGUSON** - The supply bills were always a part of the legislative program for this year. The sitting calendar was released at the end of last year and it provided for a budget on 26 August. Way back in November/December, released way back then, so it was always the case because of the late budget last year. If I have to tell you the history again, it is disappointing, but there was a pandemic so we had a later budget. We had supply bills and we



had a later budget in November last year. It was always planned that to do a proper budget development process you would not have a budget in May so soon after a November budget. For those reasons we were always going to have supply bills. This is the machinery of government and parliament process. I would have preferred that it was not politicised the way it was.

**Ms White** - Perhaps not on 24 June though. I expected you probably would want to deal with this in an earlier week.

**Mr FERGUSON** - You have come in a third time. I am surprised Mr White you are doing this. I will admit to you, I am sorry, I am not completely pure. It did cross the government's mind to bring back parliament a little earlier but there would not have been an Opposition Leader.

**Ms White** - Well, there would not have been 13 on your side. You would not have had 13 members. That is why you didn't.

**Mr FERGUSON** - I am admitting to you, the thought did occur to us. Mr Ellis was actually elected on 2 June, good on him. There has been too much said about this. This is all fluff and tinsel on the political mess of the Labor Party. I am frankly disappointed and surprised that these foolish kinds of claims get made in a budget supply bill sense. What if we agree to draw a line under that and move forward. We have supply bills and we want to get them through.

In respect of the serious questions, I will now address those. I was asked by Ms White, given that the supply bills are based on the RER as well as the agency advice, about State of the State and PESRAC commitments. I have advice on that for the House. All election commitments will be funded through the Budget Appropriation Bills but also the Financial Management Act provides flexibility to enable the government to fund election commitments prior to the Appropriation Act being passed. Under section 21(3) of the Financial Management Act, the Treasurer is able to issue and apply funding from the Treasurer's reserve in the absence of an appropriation where the Governor has in writing, approved that expenditure.

The Government has already commenced fulfilling a number of its election commitments and members will be thrilled to know that \$4.7 million has already been funded this year which included funding to 111 organisations through the local community's facilities fund. I have also been advised to point out that the Treasurer's reserve is a limited capacity and it is quite proper that the larger commitments be funded through a genuine budget process. It is clear that Ms White, the shadow treasurer, has misunderstood the role and the purpose of supply bills. The supply bills should not and cannot introduce new, large items.

For the benefit of the debate - election commitments and those informed by PESRAC as well, many of the election commitments wrapped up and included recommendations from PESRAC - if you go to the policy documentation, you will be able to see that those commitments were made in view of budget timing and for outcomes to be delivered during the term of this government and in a number of cases, some election commitments are being delivered right now, even in advance of the budget, but we have to do what is defensible and sensible. Large commitments need to go through a proper budget process, and of course the scrutiny that goes with the Budget Estimates committee process.

**Ms White** - Minister, could I clarify, does that \$4.7 million come from the \$20 million Treasurer's reserve?

**Mr FERGUSON** - My advice is that the \$4.7 million already funded has been funded through the Treasurer's reserve.

**Ms White** - That \$20 million allocation?

**Mr FERGUSON** - Yes. No, from the previous financial year, from the 2020-21 Treasurer's reserve. I am getting three nods, agreeing the years are correct. And, of course, in the supply bills which deal with 2021-22, the Treasurer's reserve is again available.

I was also asked about COVID-19 expenditure. This was a consideration taken by government, whether to provide for a standalone COVID provision account as we did last year, but the decision was taken to provide them direct to agencies.

In the 2020-21 budget, known COVID-19 related costs were directly appropriated to relevant agencies through the 2020 Appropriation Act. To the extent that these costs were built into agency 2021 budgets, they will be included in the supply calculation for 2021-22. While there is still some uncertainty of the future impact of COVID-19, the COVID-19 provision itself will cease, with known 2021-22 COVID-19 related costs directly appropriated to agencies through these appropriation acts right now in front of us. The agencies have in fact been topped up with an estimation of what would be their known COVID-19 impacts, without needing to draw on a standalone fund.

Also, any expenditure on necessary COVID issues that arise during the supply period will be dealt with using the capacity available within the Treasurer's reserve. I am not tempting fate when I say this, but if there were other unforeseen circumstances that require a more dramatic response, of course we would deal with that in the way we did last year.

**Ms White** - And infrastructure?

**Mr FERGUSON** - I am advised that the supply calculation reflects estimated funding required to enable the continuation of normal services for four months out to 31 October 2021. The level of appropriation includes an amount for capital services, which has been determined in consultation with agencies based on their advice as to what they need to fund their infrastructure projects, adjusted to account for specific project expenditures where necessary. As a matter of interest, in last year's budget, the 2020-21 budget, there was no unallocated infrastructure expenditure provision, and no amount has been included in this supply calculation.

I will not be addressing the gaming or royalty questions that Ms O'Connor raised. However, I will now seek advice to the extent that it is available from the Treasury staff, not the agency staff. I will seek advice and provide the best answer that I can in these circumstances, Ms O'Connor.

Mr Speaker, thanks for your indulgence. The best answer I can provide across all the areas Ms O'Connor zeroed in on is that all cases relate to existing programs, and the existing replication of effort that was already commenced in last year's Budget. I do not have a

commentary for you in relation to individual dollar amounts, because it is a continuation of existing policies.

I have been advised, though, to answer your question by referring to chapter 4 of the 2020-21 Budget Paper No 1, which shows the policy and parameters, which is really what is being picked up here. It is a continuation of existing effort.

If you have questions on individual policy areas such as gaming, resources, children, prison, they are obviously not in the scope of this bill in terms of policy development.

This bill provides the cash resources required for agencies to continue existing policies and existing initiatives. That is not to evade your question, but that is not the purpose of this debate.

I am happy to conclude, and I commend the bill to the House.

**Ms O'Connor** - It is very tempting to go into Committee, given what I think is evasiveness on your part. Given we have agencies detailed here and expenditure, it is very reasonable for members to ask about some specifics, particularly in relation to capital works. I do not think that is unreasonable, and I do not accept that you are not in a position now to tell us when the Gaming Control Act amendments will be brought in.

**Mr FERGUSON** - Mr Speaker, I will be concluding the debate. While I can provide a commentary and answers in respect of my other portfolios - even, indeed my Finance portfolio - I would be going 'off the cuff', and I have here today advisers and departmental staff to provide you with detailed answers in respective areas that are within scope, like those four questions posed to me by Ms White.

I can tell you, for example - as I have said on the public record - that in the very near future we will be releasing the gaming legislation for public consultation, but there I am immediately opening up the opportunity for you to expect answers on a whole range of other portfolio matters for which I am not responsible, and which it would be quite reckless of me to attempt to answer on behalf of other ministers during this debate.

I respect that your questions are in fact reasonable, but I am not in a position to give you - and nor should I - answers that relate to other individual portfolios in respect of policy.

We are providing a very clear answer. However, in all cases the dollar amounts provided, including by minister and by agency, and also the statutory offices that are funded and supplied by a number, have been arrived at by using a combination of last year's Budget papers - I will be very clear about that - and the revised Estimates report - I have been very clear about that - and thirdly, agency advice about any cash flow issues they may have, to ensure they are provided with full coverage for a full four-month period.

Through you, Mr Speaker, I put it to you Ms O'Connor that this is not being evasive. That is the correct protocol that I ought to follow, even though I have dropped my guard and given you an answer on a matter that is within my portfolio of finance.

**Ms O'Connor** - Before you sit down, if you want to avoid going into Committee, in previous years when extra supply bills have gone through, or further appropriation bills have

gone through, the Treasurer of the day has answered questions relating to allocations, and you have answered none.

**Mr FERGUSON** - I have, and I have answered that. They have been arrived at by continuation of existing policies, existing programs, based on last year's Budget, the revised Estimates report, and recent agency advice to ensure their cash flows are looked after.

Frankly, that is not being evasive, but that is the answer. That is the clear answer. You are entirely welcome to take us to committee if you wish, but the answer will be the same.

I am just looking to my advisers just to see if there is anything further to add.

Mr Speaker, I am seeking to be helpful to the member. I can indicate that the northern prison is part of the allocations as part of the supply bill, because that was funded in last year's Budget. It is a continuing infrastructure project which is funded, and I think it actually stands up the general principle that I have been making.

No major new commitments are being included in the supply bill. There is no intention to sneak anything in that is not already publicly known or already part of last year's Budget. However, the future financial year's and the forward Estimates that we are seeking to catch up four months of are included.

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

## **SUPPLY BILL (No. 1) 2021 (No. 10)**

### **Second Reading**

**Resumed from above.**

**Mr FERGUSON** (Bass - Minister for Finance) - Mr Speaker, before I commit the debate and the vote, I have had the opportunity over the break to obtain further information in relation to those areas questioned by the Leader of the Greens. The funding outlined in Supply Bill (No.1) includes capital expenditure under those four outputs she highlighted.

Minister for Children and Youth, \$431 000: this relates, I can confirm, to the Ashley Youth Detention Centre redevelopment.

Under Minister for State Development, Construction and Housing, \$18.479 million includes the following projects: community housing growth program, housing new projects and Tasmania's affordable housing action plan 2.

Minister for Finance, \$132 000: relating to the digital transformation priority expenditure program.

Minister for Corrections, \$17.884 million: includes expenditure for the new southern remand centre, the new northern prison, and Risdon prison shared facilities upgrade.

In summary, although I have had the benefit of time to provide you with that detail, as I stated earlier, the supply bill simply provides a source of funding to maintain the normal business of government without any major new initiatives until the Budget 2021-22 has passed into law, which, as we have said, we expect to occur early to mid-October.

The supply calculation, including the ones I have just outlined, reflects estimated funding required to enable the continuation of normal services, such as was provided for in the 2020-21 Budget papers of last year for four months to 31 October 2020.

I commend the bill to the House.

**Bill read the second time.**

**Bill read the third time.**

### **ADDRESS-IN-REPLY**

**Resumed from above.**

[2.34 p.m.]

**Mr WINTER** (Franklin - Inaugural Speech) - Mr Speaker, it is an absolute honour to stand in this place today. I have watched and listened to members speaking in this place since I was just a Department of Treasury and Finance cadet 15 years ago. To stand here and make a contribution myself is an honour. It has always been a great privilege just to watch from the gallery. While the Chamber itself has changed over time this is a historic and important place for Tasmania.

Mr Speaker, I would like to start by thanking the people who put their faith in me at the election. I grew up in Kingborough. I represented it for almost seven years as a councillor and, very simply, I just did what I thought was right over the time. That is how the affirmation of my community there, in particular, was an incredibly proud moment. I will be representing it with the same values and hard work as I have before.

Thanks also to those people from the Huon Valley and Clarence regions who decided to give me a go. Thank you very much. The three-week campaign did not give me a lot of opportunity to introduce myself, but I appreciated the opportunity to build my relationship with those communities and earn their trust as a level headed and reliable representative.

Some of you might have hear about my pre-selection for Labor. It was a little messy, I must admit, but people kept asking me if I was okay afterwards. I must be honest and say I have actually never been better. If you want to have people saying nice things to you for a couple of weeks you should try not getting preselected; it is fantastic. Everywhere I went I had people telling me how good I was and how terrible it was that I had not been preselected, and I was beginning to enjoy it, actually. Even some of my fiercest critics in my time at Kingborough Council started emailing me to complain that I had not been preselected, and I thought, 'Wow, this is going pretty well', then of course I realised later that maybe they just wanted to put me last on the ballot again.

I would even like to thank the Liberal Party for running those radio advertisements that said Dean Winter is a popular local mayor with a young family and he wanted to run for Labor. Thank you very much, that was wonderful. The first time I heard it I was in the car picking up my son from school. He heard it on the radio and said, 'Dad, you're the mayor'. It was good it finally sunk in with him. Being mayor has been one of the most rewarding jobs I have ever had and I worked with the most talented group of councillors I think anywhere in Tasmania. Our staff were absolutely outstanding. The work they do really matters and I loved being a part of it, but ultimately a lot of what I wanted to change are state issues, and that happens to a lot of local government members.

Managing growth is not just about local roads. It is about hard infrastructure like highways, buses and bus stops. It is also about soft infrastructure like health, education and police services. It feels like a lot of areas in Franklin have been doing the heavy lifting in terms of housing growth but we have not seen the corresponding investment in services and infrastructure.

The reason I wanted to run for Labor or not at all is because some time ago I really fell a little bit in love with the Labor Party. I loved its quirkiness and its innate ability to fight on no matter what, much like its members and supporters. Even when things look dire we keep fighting. I love the Labor people you meet. I meet them everywhere and I always love talking to them. They are great people. I love walking into Labor Party conferences where everyone is not equal, but not in a bad way. Where else but the Labor Party can you walk into a conference and an aquaculture worker from Geeveston has more votes than the shadow minister? That is the Labor Party for you, a party where they held so many quiz nights they once held a fundraiser which asked members to donate in exchange for not having to go to any more quiz nights. That is the Labor Party.

At my mother's funeral in 2012 just after I lost the division of Hobart election I stood at the door of the church as Labor member after Labor member, state and federal ministers and the state secretary walked through the door for a funeral of a woman they had never met, just to support me. What a family. That is the culture of loyalty, solidarity and camaraderie that I love and it is why I am so excited to be a part of as a Labor member. Labor values are collective and our party is inclusive. No one person gets to decide who has Labor values. That is what being part of a team is. It is about finding common ground and a joint purpose.

Labor's purpose and objective is to form a government. The Labor Party is a party of ideas and it is one of our greatest strengths. Principles of equality and passion should be at the heart of what we do, what we say and what we stand for. While the contest about the best ways to enact those principles is always alive, we never stop fighting for working people and their families. I have a theory that in anything you do, you want to follow someone who has done a bad job. You want to follow on from someone who has been a bit ordinary. You want to get a new job following someone who has been genuinely terrible at it. That has happened to me a few times in my life and probably more times than not.

As a 15-year-old working my first job at BP Kingston I was doing driveway service and I would walk out to the driveway, fill up the vehicles with fuel and do a few minor tasks like check the oil and that sort of thing. When he hired me, Rod Street - who is Nick's father, Mr Street - said, 'Dean, the most important thing to do is to put the oil cap back on after you fill up the oil', and he gave me a detailed description as to why not putting the oil cap back on would lead to a huge amount of work that he did not want to do, cleaning it up at people's

homes. This was good news for me because it was a clear piece of instruction that I could not possibly be worse than the last guy.

In my second job as a 17-year-old deli assistant at Woolworths, there had been a controversy over a predecessor who had been stealing the ham. Mr Speaker, this is a high crime in the deli business and it was one that I was careful not to transgress on, but again it was a clear indicator to me that I could not be any worse than the last guy.

I stand here following on from someone who did a great job. I take my seat at the expense of the former member for Franklin, Alison Standen MP, who I know was widely respected in this place from speaking to people on all sides as a policy thinker, a hard worker and a genuinely good person. I know I have big shoes to fill in this role.

When any of us stand for election for a party we dream of beating the other side. To be elected at the expense of a fellow Labor member is not what I wanted on a bad night for Labor and there was not much to celebrate in it, and I still do not celebrate. Getting here does not mean much at all on its own. There have been plenty of members over time who have come in, sat in this place and left without achieving what they set out to do. Inaugural speeches are left unfulfilled. It is what you do when you are here that matters, what you stand for and what you achieve.

I know that none of the things I want to achieve can be done from this side of the House. Some of you may know that I am a bit of a geek when it comes to Tasmanian politics. I am passionate about Tasmania's future and have been a key observer of this place over the years and of the decisions made within it. I have watched, listened and have even since read most of the inaugural speeches of members here, if I was not there. They are always interesting and tell you a lot about what drives Tasmania's representatives. Inaugural speeches are a chance to understand the values of the member, their background and what they want to achieve. There are no bad inaugural speeches, or at least there have not been so far. They are hopeful, positive and display a passion for our state, and I do not plan to be any different.

These inaugural speeches demonstrate all the things that mean that this place did not always have to be what is so often seen on the news at the end of every sitting day, and of course it is not always like that. I have been around politics for long enough to know members from all sides of politics. I have never met one member who I did not think was here for the right reasons. Even the ones who have made me angry or sad, or whose views I could not disagree with more, I know that they genuinely believe what they are saying or what they are doing is in the best interest of our state. I love that about this place, but we could all do better collectively and so would Tasmania if we could find more common ground and present to our community, at least a little more often, as having found compromises, having worked together to find a solution.

In economics a prescient's dilemma is a situation where the individual always has an incentive to choose an option that creates a suboptimal outcome for the larger group. This parliament offers these individuals or a party incentivised to make decisions that are better for them but make the parliament look worse. Ultimately, it sees the parliament and our parliamentarians look worse and when we make those decisions we all lose. Of course we should have passionate arguments, hold each other to account and debate Tasmania's future, but surely we would all be a little better off if the general standing of parliamentarians was enhanced.

If you do not believe collaboration is possible, Mr Speaker, I would like to tell you a story about the time that the Deputy Premier, the Minister for Infrastructure, the Minister for Planning, Ms Johnston; Lord Mayor Anna Reynolds and Mayor Doug Chipman sat in a workshop to draft a vision statement for Greater Hobart. Seven elected members with more diverse views you could not find even in this place. I was frightened, Mr Speaker. This was going to be the worst workshop and meeting of all time and it was scheduled for three hours. How on Earth would this group agree to anything? I confided in my general manager on the way that I had never looked forward to anything less. But not much longer than an hour afterwards we emerged victorious, having agreed to a vision statement for our city that spoke to our aspirations and values of the city that we were confident to share with the public. It was quite an achievement. I was very proud of us that day. Of course, the bureaucrats got to it later and it never saw the light of day. I am not at all upset about it.

My story, my family and early life is that I was a pale and skinny kid. I started life with a pretty serious stutter. My parents, Murray and Margaret, drove me to Brisbane where we stayed in a caravan for a period while I undertook treatment for what was a pretty serious issue at the time. My father, Murray, was a New Zealander, who landed in Australia looking for work straight out of school. After a bit of travelling, he was convinced to come to Tasmania to work at Mount Lyell as a miner. Why was a miner with no mining experience recruited to work in Mount Lyell in Queenstown? A lot of people ask that question, but it turned out that the mine manager was also a Kiwi and he was tied up with the now defunct West Coast Rugby Club. It seems that mining experience was only secondary to your willingness to pull on the green and white West Coast jumper. My father ended up here, honorary Tasmanian, captaining and coaching the club in Tasmania for many years, along with a bunch of other Kiwis. It was a Tasmanian team with a uniquely Kiwi vibe about it. This was all thanks to the innovative recruitment of the mining manager at Mount Lyell.

It was there he met my mother, Margaret, who was a nurse at the Queenstown hospital, where he attended after one of those glorious rugby games. Margaret Powell is a descendant of William and Susanna Powell who, after arriving in Tasmania around 1850, married and settled in Deloraine. Their son Francis moved to Queenstown in 1896 to work at Mount Lyell, before his son, and my grandfather Les also worked at Mount Lyell.

I am the first non-miner in a generation, and looking at me, you might be able to tell why. I am proud to have Lesley and Molly's son and daughter, my uncle Stephen and auntie Kathleen here with me today.

Back to the start of the story. Not long after returning from Brisbane, I started prep at St Aloysius in Kingston, and I was separated from my classmates into a special help group for kids with learning difficulties. I know it is hard to believe now, and hard for me to believe as well. I was a bit of a struggler, but I loved school and I loved my teachers, classmates and the environment I was in. With help from my parents and teachers and a lot of hard work, I was a lot closer to the top of my class than the bottom by the time I finished my time at St Aloysius. I was never really a leader at school.

I tried my hand at being the school captain at St Aloysius. I came second, and I am not bitter about that either, but I was beaten by Mr Nick Wolfe, who is now a pretty famous part of the Wolfe Brothers. I told this story to the leaders at St Aloysius a couple of months ago,



and I thought they might have been surprised - but no, not at all. Quite right they said; he is way better than you.

St Aloysius was, and is, a special school and a special place - so special to me that it is where I am sending my own children, George and Harriet. It is a Catholic school which still oozes values of love, learning, compassion and friendship, and a community which is safe and allows families to thrive.

A quite different experience at St Virgil's College. Still great, but it toughened me up, I have to tell you. There is nothing like being the pale, skinny kid on a bus full of 40 other high school-aged boys to teach you the physical and mental lessons that will last a lifetime. For me, these lessons were mostly about avoiding confrontation - again, you might be able to tell by looking at me - but they did teach me about outsmarting less academic students, and about knowing my place, which is really important.

Diplomacy and politics, as I often point out to sports clubs, are often harsher outside of councils and parliaments. Like no other school in Tasmania, St Virgil's enshrines loyalty into its students. Loyalty to its school, to each other, and to its values. It is a place where students can thrive academically and athletically. Excellence is encouraged and rewarded. Their motto, 'By deeds, not words alone', is one I did not need to look up for this speech, because it is enshrined in the students and they are encouraged to live it.

Catholic education is not elite and it is not exclusive. People come from all walks of life to participate in it. Whether you are religious or not, the values of Catholic education are worth learning. Catholic schools teach students the freedom to choose between good or bad, right or wrong. They explore examples of when people make good choices and bad choices, and they are fundamentally good things to teach young people: how can you be a good person, or at least, how can you try and be better?

I am here because of my upbringing by the most dedicated and loving household you could imagine - a strong support network of family and friends, great schools and a safe community. It is hard not having my parents here today, but I will not complain, because Murray and Margaret Winter gave me and my siblings everything they had while they were here, and I will be forever thankful for that. I am their legacy and I will try to make them proud in this place.

I am passionate about Catholic education, but over the last 15 years I have had the great privilege of getting to know the local public schools in my area and I love going to them, attending them and talking to students and teachers. But how is it that I can attend, on the same day, one primary school where every student has a tablet device and then another school in another part of Hobart where most year 6 students tell me they have never accessed a personal computer? How is it that at one public school I can watch a student receive an award for winning the national maths competition - not the state, the class or the school competition - but the national maths competition, and then on the same day travel a few kilometres down the road where a staff member of another school tells me that many students in year 10 arrive without any lunch. The only way to make a meaningful impact on long-term inequality is by giving every child an equal chance. I am not convinced every child in Tasmania does have an equal chance to be successful. Our collective aspiration in this place should be to change that.

After I left school I was very lucky to get a cadetship at the Department of Treasury and Finance. Treasury does not like doing anything political, of course, but they might have messed up with me. The Treasury cadet program gives students studying business or economics a chance to work at Treasury full-time while they study part-time. It was there that I met the former member for Clark, Scott Bacon MP. This is the only time in my life where I can or will ever genuinely blame someone for leading me astray. Being at a similar stage of our degree - although he was much older than me - we mostly did the same classes but we never went to class. If we went on campus at all, we would end up at the uni bar talking politics and laughing at anyone that showed the remotest interest in university politics, as everyone should.

My academic transcript is effectively a tale of a decent student and then a clear delineating line where I met Scott Bacon. We joined the program by the more studious Richard Dowling who later became the chief economist at the Tasmanian Chamber of Commerce and Industry. The chamber doesn't seem to have quite the same zest for balanced budgets and economic reforms it did when Richard was there but, you never know, he might come back.

The work at Treasury was fantastic and I hope the program continues for many years to come. A 20-year-old student wearing a \$50 suit should not be the room when the Basslink deal is being negotiated, but somehow I was. I was able to work within the State Revenue Office, the Economic Policy Unit, the intergovernmental policy, the Economic Regulator - it was real, fulfilling work, and it was while I was there that I, with Mr Bacon - we may have been in a local establishment bar at Salamanca - met Mr Michael Aird, the then treasurer of Tasmania, who is here today.

It wasn't a dynamic encounter, I must admit. It was about 10 pm on a Friday night and we may have accosted him and had a chat. He was disinterested, to put it mildly. He said, 'Look, I have a job coming up and you should apply'. So, I did. Not long before, I had joined the Labor Party - and I told him that. I talked through my credentials as a Labor-type person although I was working in the public service. I told him the story about how I had just run for the president of Young Labor. I lost unfortunately. My colleagues will be shocked at this but the Left candidate won that one as well.

Working for Mr Aird was a great job. As a local member who was the treasurer of Tasmania, he wasn't always as available to see constituents as other members might have been. There was no training to be an electorate officer but they gave you the keys to the Electorate Office and sent a 20-something year old young man from Kingston out to New Norfolk and Bridgewater. It was quite an experience. My favourite moment at that time was after we held a community barbecue - this was my idea - to launch our new office. I said, 'We should have a barbecue, Michael'. He said, 'Let's celebrate this opening'. He came out and we launched the office, and unfortunately he wasn't available all that much over the next 12 months and I said, 'Look, boss, why don't we do a one-year anniversary of that great barbecue day', and he said, 'Okay, I'll come out'. He arrived, he was late as always, out of his limo in Bridgewater - that's how you do it - and I saw him from a distance and he got out of the car and he bolted straight into the library which he thought was his electorate office. I was the unofficial member for Derwent for quite a period of time and I loved it.

Luckily the Treasury was safe. Mr Aird was a great boss though. After he won his seat in 2009, I was able to get more involved in portfolio matters and the general workings of government. Michael could see that I had graduated from community barbecues and constituent work and I needed a new challenge. It was probably him more than anything that

has got me here today. It was an unglamorous time working in budgets. As those on the other side know, there is nothing particularly pretty about putting together a budget but they are so important. If you pick the wrong priorities, if you under-fund critical areas, or just as egregiously over-fund areas that are not priorities, then you are not delivering effective outcomes.

After all of this, there was a singular time that really gave me a great opportunity and the was the organisation TasICT, the industry body for the ICT sector in Tasmania. They grabbed what then looked like a very Labor-looking resume and said 'we will take you on as an advocate for our sector'. It was a brave move, which I would not have said at the time, because I had to work with both sides of politics. I absolutely loved it. The industry is, and was then, an absolutely critical industry for our state and the people within in it do amazing things and they did not and still do not sell themselves well enough in terms of their contribution to this state. When we talk about traditional industries in Tasmania, we need to remember that it is the ICT sector that is driving the innovation within it. I would like to thank them for putting me on, of course, but I would like to thank in particular the presidents Darren Alexander, Joel Harrison, Jarod Hill, in particular who I was able to work with while I was there. All three have been significant influences and mentors to me and they are people I have a lot of respect for.

As you can see, I have not timed this very well, so I am going to move on.

**Mr FERGUSON** (Bass - Leader of the House) - Mr Speaker, I move that we grant the member another 10 minutes.

**Motion agreed.**

**Mr WINTER** - Mr Speaker, as a 25-year-old, I ran for the Division of Hobart in 2012 and I believe I hold the unenviable record of being the first and only Labor candidate to be beaten by a Green in a single-member electorate in Tasmania. I launched the campaign by attacking the Chamber of parliament that I sought to represent - the other place - I called it a 'retirement village for former town mayors'. I am pleased to have instead made it to the House of Assembly, a much better Chamber, as a retired town mayor with so many of my fellow former town mayors here.

I will always be a passionate Kingborough person and I will go to my grave saying it is the best place on earth. It is God's country as my father would say. I have been genuinely offended throughout my life by anyone who criticises - and I have accidently found myself being deeply offended as I am sure Mr Street has - if anyone upsets our patch, we are not happy. So, when I got the opportunity, Mr Street and I sat down and had a coffee and said 'I think you should run for the Kingborough Council, I am running for mayor, why don't you run for councillor. Former member Paula Wriedt is running with me, we will do this great joint ticket and we will try to bring about some change to Kingborough Council.'

I received 683 votes at the election, just over 5 per cent of the vote. I was elected ninth out of a field of 23. It could be argued that this was even worse than my 2012 tilt at Hobart. I must admit that at this stage I had to say a political career was not going to amount to much for me. I thought maybe sitting on the adviser tables might be more my go. But I walked into Kingborough Council thinking local government was probably the most over-rated form of bureaucracy on earth and that I alone could fix it. Some would say that was misguided. Others would say the only problem was that it was not ambitious enough. But, what I found was more

enjoyable than I could have ever expected. I loved being involved in the cut and thrust of Local Government politics. I do not think they had ever had anyone that considered themselves an actual politician. In fact they insisted they were not politicians on Kingborough Council at that time. They certainly realised we were by the time I had finished with them.

What I found after I became mayor was that it was much more enjoyable being on the government side of council. The enjoyment of working with the staff at Kingborough Council was great. Working with the elected members was even better. Sometimes as mayor I listened to the debates and thought to myself, 'How lucky am I?' We had this really great group of people who were all in it for the right reasons, as ever, but it was amazing the camaraderie that we could build with a group like that over a few cheap beers and a couple of bottles of wine after a meeting. We had a genuinely good working relationship and I absolutely loved it.

I want to thank my deputy mayor and now acting mayor, Jo Westwood, in particular for her steadfast support during that time. Anyone who is in this line of work needs people around them that they can depend on. That is what I found with Councillor Westwood, who was and is the most reliable deputy mayor you could imagine. I cannot personally thank all the staff at Kingborough but I will genuinely miss them. They were exceptional in what they do and Kingborough leads in so many areas and it is because of them.

Mr Speaker, to wind up, I would like to say a few thankyou's. I want to thank the individuals who got me here. Thank you to those who encouraged me and believed in me. Thanks to Paul Lennon, Lara Giddings and David Bartlett, who are three people who I got to work with while they were in office and three people who I always listen very carefully to.

David Bartlett in particular is someone I have been able to turn to for advice and friendship for many years now - in actual fact, a lot more during my campaign for Kingborough mayor in 2018 and recently in Franklin. I will never forget David's intervention, the clarity of commonsense and context on a really terrible day during that mayoral campaign. I suspect most members here have been in a position where it feels like everything is going wrong and everything is falling apart, and I hope everyone has someone like David Bartlett who can give you the pep talk you need to keep going and tell you that what you are doing is right.

I want to thank my union, the Australian Workers' Union, especially Ian Wakefield, Robert Flanagan and Kevin Midson for going in to bat for me. The AWU is a union that has fought for workers for 135 years and I am proud to be one of its thousands of members.

I want to thank the former member for Franklin, Daniel Hume, for his help and advice during the campaign, and Senator Catryna Bilyk for her steadfast support of me as mayor and now as an MP.

By the time I was preselected, volunteers had been fought over and campaign teams set up. I had to reach into some of the contacts I had made all the way back in the 2010 Scott Bacon campaign. I asked Karen Bayliss to come onboard to my campaign team and she dropped everything to help me. There is nothing like a bit of old-school campaigning and without Karen's help I am not sure what I would have done.

I would like to thank the dozens of volunteers who came out to help me, some of whom I had never met but they just wanted to give me a hand.

I would like thank, last but not least, my wife, Allison, who is here. We have been married for seven years on Monday. The thing I like about Allison, though, is that she might not have known that because I have not reminded her. Marriage is a partnership and I married someone with a completely different set of strengths and weaknesses to me, which makes us a great team. She is the best thing that has ever happened to me and my greatest support.

I have not brought my children, George and Harriet, here today, and that is for everyone's sake. They are six and four and, frankly, the idea of them being here for a period like this is a scary thought. I hope they watch this one day, though, and I hope in the first instance they are embarrassed and then maybe when they get a bit older they can be a little bit proud. Dad is no longer in charge of building playgrounds but hopefully we can build something even better.

Thank you, Mr Speaker.

**Debate adjourned.**

## **SUPPLY BILL (No. 2) 2021 (No. 11)**

### **Second Reading**

[3.04 p.m.]

**Mr FERGUSON** (Bass - Minister for Finance - 2R) - Mr Speaker, may I be the first on the record to congratulate the member for Franklin, Mr Winter, for his excellent first speech and I wish him all the best in the years ahead as he represents Franklin.

I move -

That the bill be now read a second time.

In accordance with the current appropriation convention, two supply bills have been prepared; one to provide funding for the services of the Government and the other to provide funding for the services of the Government in respect of parliamentary and statutory officers.

I have recently outlined the need for the supply bills to be introduced to parliament this financial year in my second reading speech on Supply Bill No 1. Information provided in that speech applies equally to this bill.

Supply Bill (No. 2) 2021 seeks parliament's approval to provide for the appropriate of \$12.4 million out of the Public Account for expenditure on operating services in 2021-22 until the budget appropriation bills are enacted.

I commend the bill to the House.

[3.06 p.m.]

**Ms WHITE** (Lyons) - Mr Speaker, I rise to make a contribution to Supply Bill (No. 2) and note the minister's second reading speech which outlines how this relates to the previous bill the parliament has just agreed to.

I want to clarify a couple of matters. This is a much simpler than the previous bill we dealt with, but in relation to how the appropriations were determined for the statutory authorities in the supply bill, I seek to have the minister put on the record that those allocations were decided based on agency feedback. I ask that because I understand the eight different statutory authorities that are listed in Supply Bill No. 2 have not been asked themselves whether or not the allocation provided for in the supply bills are appropriate. In the previous bill we understand the way the allocations have been derived is based on the first four months of the last financial year plus the RER and going to ask the agencies if there is anything further they require. I understand in identifying the allocations here, these statutory authorities were not asked but instead the agencies who provide the grants to these statutory authorities were.

I raise that because through a meeting I had yesterday with the Audit Office it became apparent that they were unaware of the allocation that was proposed for their appropriation in this supply bill and questioned whether if that was then multiplied across the course of the year it would be an adequate amount. I want to put that on the record because there might be some constraints on spending by these statutory authorities because of the allocations outlined in this bill simply because they were not asked if these allocations were adequate for them to do their work.

I accept the responses the minister gave reflecting on the debate we had on the last bill about how PESRAC and the election promises will be dealt with in the first four months of the next financial year, and presume that any matters that fall within these statutory authorities be dealt with in similar fashion. Presumably the Treasurer's Reserve could be drawn upon if needed. I seek clarification about that as well.

That deals with the key issues that have been identified by the Labor Party for this bill.

[3.10 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - The Greens will be supporting the Supply Bill (No. 2) 2021 that enables our statutory bodies to continue to operate, at the very least until the state Budget allocations are made in August.

I will not have too much to say about this bill, which is fairly straightforward. I have a few questions in relation to Schedule 1, Purposes of Appropriation. I know this may raise the issue that arose in the previous debate in relation to specific areas of expenditure, and the distinction between an allocation and policy. I do thank the minister for coming back after the break with some extra detail on the questions that were asked by the Greens.

There is an allocation for the House of Assembly's operating services. It has been for the past two to three years a source of mystery and frustration to the Greens that an allocation was made for Legislative Council members to be able to access Parliamentary Counsel. In the 2018-19 state budget, after we made the case to the former Speaker - your predecessor in the Chair, Mr Speaker - that members of this House should have access to drafting expertise, as it is our job in part - not just to scrutinise legislation - to develop, present and debate legislation. My very strong recollection is that there was money in the budget for the Office of Parliamentary Counsel. We would like to know where that money went. We would like to understand why members of the House of Assembly still do not have access to drafters.

The Legislative Council can access Parliamentary Counsel, although I understand there are some restrictions now being put in place if the Government does not like the tenor of the proposed legislation to be drafted. This is a worrying development, Mr Speaker.

Parliamentary Counsel should not be the exclusive domain of executive government. In many jurisdictions, including the federal parliament, members from the opposition, crossbench parties and Independents can access drafting skills.

In our Greens office, we are very lucky to have someone who is an innately gifted drafter of legislation, and understands how legislation needs to be put together. That is why we have been able to table a sequence of very robust bills in this place. It should not be left up to opposition parties, crossbench parties or Independents to reach into their own staff, or their own capacity, in order to prepare legislation, or to prepare amendments to bills that come before the House.

It is very important that some clarity is given around that allocation, because when we asked your predecessor, Mr Speaker, we were told there were still some details to be worked out about how you would house a parliamentary drafter in this place, and how you would ensure some equity of access, and what the relationship would be between the parliamentary drafting person and the Office of Parliamentary Counsel.

That is what we were told last year. An allocation was made with a specific purpose attached to it for the House of Assembly. Did that money get absorbed into the Legislature-General? Where has the money gone? We would very much like to know. It was a real breakthrough for the House to know we would finally join other parliaments and allow members of the House of Assembly, who did not have access to Government Parliamentary Counsel, to access that expertise, because it would lift the quality of amendments tabled in this place.

It would ensure that opposition members are able to prepare legislation for debate in this place. It would save parliament's time if we had skilled draftspeople here to advise us in the House of Assembly.

I very much look forward to the answer to that question. I hope the commitment that was made in that state budget will be met, and that those technical issues about where this office would reside, and who would access it, are being ironed out.

I also note that within this appropriation there is funding to maintain the operations of the Integrity Commission. I am very thankful that we have an Integrity Commission in Tasmania, but I want to express a frustration that we hear among stakeholders, and within the community, that they would like to see the Integrity Commission take a more active role in providing guidance on ethics and appropriate conduct to public officers. They would like to see, every now and again, the Integrity Commission bare its teeth, because there is a common misperception in the community that the Tasmanian Integrity Commission does not have sufficient teeth. We believe it does. It just never bares them.

For example, the Integrity Commission is able to take on a reference and have public hearings. Sometimes, such an investigative process can be very cleansing for democracy, and can also help people to understand the workings of government. It can also help people understand the importance of having good integrity bodies in place to, when it is necessary, put

a blowtorch on people in public office, should they be engaging in unethical behaviour or misconduct.

We, the Greens, are going to have our third crack at bringing Tasmania into line with the rest of the country, and having an offence of misconduct in public office within our criminal code.

There is an almost Pollyanna kind of hopeful assumption that because we are only a little community, and everyone is so connected - and that is one of the nicest things about being a Tasmanian - that you would not see that sort of misconduct or corruption here, because we are all too close to each other, and no one could get away with that.

I grew up in Queensland when the Queensland Police Service was the creature of Joh Bjelke-Petersen. We were rightly terrified of Queensland Police, and rightly did not have trust in it. We do need to see recognition that, even in Tasmania, public officers are capable of misconduct. Unarguably, the law as it stands now fails to be able to deal with some specific examples of misconduct among public officers.

This is also something we have sought to improve with an amendment bill. There is a problem in the Integrity Commission Act 2009 because, for the purposes of the act, in that gap between the dissolution of parliament and the declaration of the polls, none of us who are re-elected in this place are regarded as members of parliament or public officers.

We would argue that it is in election campaigns that you have the greatest risk of misconduct, corruption and vested interests having undue influence on members of parliament - as it did in 2018, when we saw the gambling industry flood this state with 'blood money' in order to secure the Liberals a win, because for the first time in Tasmania's history, you had an Opposition that was going to do the right thing on pokies. That absolutely contaminated the election result.

It would have been a very interesting and entirely different result if the gambling industry had not thrown its weight and its vast money behind the Liberal Party. That money corrupted our democracy. It infected it and we will see the consequence of that infection when the Minister for Finance finally reveals to us the amendments to the Gaming Control act that will embed harm in our community until 2043.

While we are talking about harm, it is not just the money that comes out of people's pockets: it is the impact on people's mental health and wellbeing, their capacity to look after their family, their capacity to access education, training and employment. It impacts on family relationships. It drives people into poverty. It leads to homelessness and addiction. That is the human cost and that is the human cost of the corruption of the election that happened in 2018. The consequences of that election will be felt by this island and its people for the next 22 years at least.

I want to talk briefly about the resourcing of the Office of the Ombudsman. All our integrity bodies are running on the smell of an oily rag. They are only able just to fulfil their statutory responsibilities.

The Office of the Ombudsman - such a critical statutory body - is manifestly under resourced. That is why, for example, it took former Greens leader Nick McKim five years to



have a decision reviewed on the then-Hodgman government's decision to withhold information about the World Heritage Area Management Plan, which was being rewritten by and on behalf of developers. It took five years for the Ombudsman to be able to provide a review decision in favour of now Senator McKim. The information that should have been released at the time by the government - a sneaky and secretive government hell-bent on privatising our wilderness - was withheld improperly then finally released after the Ombudsman said it should be released.

Another example I just heard about today, where the resourcing of the Ombudsman's office has led to a denial of justice, relates to the issue of emergency orders or guardianship orders to people deemed by doctors and social workers in our hospitals not to have capacity or competence to make their own decisions. The Greens were relieved to hear the Attorney-General this morning indicate that there would be a review of the Public Trustee.

The Ombudsman could not examine the legality or fairness of a decision made in relation to a person who had an order placed on them and, therefore, all their human rights taken away, fundamentally because the Ombudsman's office says 'we do not have the resources to do that'.

Right now, in Tasmania people are having their rights taken away under guardianship and administration arrangements. We have the story, for example, of a gentleman in the minister's electorate, Arthur from George Town, who has been locked up in the Launceston General Hospital having his rights denied for months and months. What did the Public Trustee do? They gave away or sold all of Arthur's possessions without his permission. What is happening to people like Jill who many members will be familiar with because Jill has been a familiar sight down at Salamanca for many years selling raffle tickets and taking donations for the Multiple Sclerosis Society of Tasmania.

Four months ago, Jill had a fall and she ended up in hospital with a crushed nerve. As a consequence of decisions that were made on her behalf and assumptions that were made about her capacity, Jill has now been effectively imprisoned in the Royal Hobart Hospital for four months. Jill was not told why she was being kept in there. I think she was offered a conversation with a psychiatrist. She did not know it was an assessment, and then there was a determination made that Jill did not have the capacity to go home.

This is a person who had lived independently, exercising her human right to go about her life lawfully and in a manner of her choosing, who is now locked up in the Royal Hobart Hospital. I encourage members to have a look at the Advocacy Tasmania website. There is a video on there of an interview with Jill. Watch it and ask yourself: is this a woman without the capacity to make her own decisions?

There is something very wrong happening in Tasmania right now in the way that we treat people who may have some physical mobility challenges, or may be in early stages of cognitive decline, who are too readily being put on emergency orders or guardianship orders and having all their rights stripped away. You can put someone on a 28-day emergency order here in Tasmania and you can extend it for another 28 days, so you can detain someone against their will for a full 56 days here without doing an assessment of that order.

According to Advocacy Tasmania, we have amongst the most outdated, restrictive and rights-denying guardianship laws in the country. We are locking up people against their will, people who have rights, people whose individual autonomy is being taken away. It is happening every day. Decisions are being made by doctors and social workers to prematurely

place people in aged care to unjustly and unreasonably appoint a guardian and deny family the right to make some decisions with the person they love about their living arrangements and their future.

This issue must be resolved, because in this state we are daily breaching the UN Convention on the Rights of People with Disability and the UN Convention on Civil and Political Rights. We are robbing people of their rights and taking away their choices because they are older or have some physical constraints.

Mostly what people need is to be supported in their decision-making and to have a support network around them. This process, for people like Arthur at the LGH and Jill at the Royal, is grossly unfair. In each of those cases people have been kept against their will in a health setting while preparations are made without consulting them to prematurely place them in aged care. Jill was so happy recently because she was let out. She could go down to Salamanca and have a coffee with a friend, but the staff at the hospital made sure to tell her that if she did not come back on time, they would call the police.

Mr Speaker, I hope the Attorney-General does not delay this review process into the Public Trustee. It has been described to us as by people who know as dysfunctional and perpetrating financial abuse, so we encourage the minister to undertake that work to ensure we are protecting the rights of our older citizens and people with disability, because right now their rights are not being protected and they cannot even go to the Ombudsman to examine a guardianship decision that has been made because, according to the Ombudsman's office itself, it does not have the resources to help.

Unfortunately, the Attorney-General is not here but I encourage members to have a look at Jill's story on the Advocacy Tasmania website and to remember that we are here to represent people sometimes who cannot represent themselves, and in the cases of Arthur and Jill, they have had their rights in very significant part taken away and thankfully they have Advocacy Tasmania working on their behalf, but we also in this place must give people like Arthur and Jill a voice.

Mr Speaker, with those words I indicate we will be supporting Supply Bill (No. 2).

[3.31 p.m.]

**Mr FERGUSON** (Bass - Minister for Finance) - Mr Speaker, I thank Ms White and Ms O'Connor for their contributions. It is food for thought for sure. I will respond to the issues that are particularly relevant to this bill before us.

Ms White asked me about statutory authorities but the term I have been encouraged to use is statutory offices, understanding that there are some differences. For example, you will note there that MAST is not listed; that is a statutory authority.

**Ms White** - And TAFE.

**Mr FERGUSON** - Yes, I appreciate that. The statutory offices, however, are funded in this way. I am advised that funding in relation to statutory authorities is funded by agencies who are aware of current work programs. Supply Bill (No. 2) reflects the continuity of these programs.

You are correct and I can confirm that if there was something that occurred that required a work program to increase or some special emergency matter to be dealt with, any further funding required could be dealt with through the Treasurer's Reserve, Ms White.

In relation, though, to statutory offices being different, named up as the eight here, my Treasury officials are assuring me that they are very confident that those offices were consulted and they are aware of the needs for funding and are being provided for adequately.

**Ms White** - Through their grant funding agencies?

**Mr FERGUSON** - They were contacted directly and consulted in the same way that other agencies were in Supply Bill (No. 1).

'Very confident' are the words I was given, with the best will in the world from my advisers. I think it is worth emphasising that all of the foregoing in both supply bills 1 and 2, when the Budget is brought down on 26 August has the effect of annulling these discussions because it fully replaces all of this discussion. All of the appropriations in the Budget, all of the election commitments or issues that have emerged between now and that date are then fully accounted for as a full budget year, not excluding any of this discussion here today.

I will come to Ms O'Connor's questions. I have the pleasure and the happy duty to inform you that that funding provided by then premier Will Hodgman and Treasurer Gutwein at that time - I think two budgets ago -

**Ms O'Connor** - 2018-19.

**Mr FERGUSON** - was funded directly to the House of Assembly. That funding has been preserved. It continues. However, it did not work. The Government worked with the Clerk of the House, and at that time OPC, because providing a direct allocation through the House of Assembly for a resource that was originally intended to be provided physically and if you like, administrated through the Library of the House, the advice was that this is not going to work, particularly in respect of recruitment. The far better way was to integrate that service with OPC, the executive arm of government, but to ensure they can work within the broader resource, that resource is now continuing and members such as yourself, Ms O'Connor, I am advised, are able to access that service -

**Ms O'Connor** - I will say by way of interjection to avoid going into Committee, I was not consulted, the Greens were not consulted about whether that might work. Obviously we do not have expertise here, but we also were not told that we have access to Parliamentary Counsel. I do not know why that information was not passed on. Perhaps, Mr Speaker, you could write to members of the House of Assembly and let us know we have access.

**Mr FERGUSON** - That is actually a fair comment. Ms O'Connor, you can ask later why the former Speaker did not inform you of that because that is the advice that I have -

**Ms O'Connor** - I asked the former Speaker a number of times what was going on and was no clearer at the end of any conversation.

**Mr FERGUSON** - That was the understanding, very clearly, and had you asked me that even one year ago, I believe that was my understanding then as well. Although this is not in

my portfolio, the reason for this is very simple. It is a very specific skill set and a very particular professional ability to do parliamentary drafting. For all of the right reasons, that is the reason it was not possible, apparently, to recruit to the House of Assembly's staff -

**Ms O'Connor** - I would be interested to know if any attempt was ever made to recruit anyone.

**Mr FERGUSON** - You can wonder that, but nonetheless there is such a narrow band of people in the country that are able to do this job to the standard that would be required. The resource is currently available to members of this House for the purpose of private members' amendments and private members' bills. I understand and I invite you later, not now, to approach the Speaker with a letter and ask him for any further detail on that. Mr Speaker is listening carefully and may choose to contact members about how that can be accessed. It is available and has never ceased to be available.

I thank members again, for their contributions today and commend this bill to the House.

**Bill read the second time and taken through the remaining stages.**

## **TREASURY MISCELLANEOUS (COST OF LIVING AND AFFORDABLE HOUSING SUPPORT) BILL 2021 (No. 12)**

### **Second Reading**

[3.39 p.m.]

**Mr FERGUSON** (Bass - Minister for Finance) - Mr Speaker, I move -

The bill be read the second time.

On 16 March 2021, the Premier delivered the state of the state Address in which he outlined the Government's response to the Premier's Economic and Social Recovery Advisory Council and the Government's road map to secure Tasmania's future. In that Address the Government promised to increase the conveyance threshold for the first home buyer and pensioner duty concession from \$400 000 to \$500 000, double the land value at which land tax becomes payable from \$25 000 to \$50 000 and increase the maximum land value threshold by \$50 000 from \$350 000 to \$400 000, halve the premium rate on interest charged on unpaid tax and allow for land tax bills over \$500 to be paid by three instalments over the year.

In the lead-up to the 2021 Tasmanian state election this Government also committed to boost the First Home Owner Grant from \$20 000 to \$30 000, introduce more frequent vehicle registration payments to help smooth household bills and provide a two-year waiver on duty on the purchase of new and second-hand electric and hydrogen fuel cell vehicles. This bill delivers on these state of the state address and election commitments.

The Premier's Economic and Social Advisory Council's report released in March this year clearly noted the challenges inherent in our housing market at this time and that is why we are taking targeted action to boost supply, support home ownership and support families. One such action is increased support for first home buyers and pensioners downsizing in the form of increasing the threshold for the 50 per cent conveyance duty concession from \$400 000

to \$500 000. This change, which reflects current market conditions, will take effect from 16 March 2021.

The Australian Government and Tasmanian home builder grants have been a resounding success in boosting the Tasmanian building and construction sector and supporting local jobs and the Tasmanian economy. The Government will continue the momentum generated by these programs by increasing the existing \$20 000 First Home Owner Grant to \$30 000 to take effect from 1 April 2021. The Government's continued focus on the construction of new homes will build on the increased employment and housing supply resulting from the home builder programs. This also means that Tasmania will have the most competitive first home owner grant offered by any jurisdiction in Australia.

This Government recognises that the private rental market remains challenging for both landlords and renters alike. Significant support for tenants and landlords has been provided during the pandemic on top of already existing measures that have been in place for some time, including the three-year land tax exemption for all newly built housing made available for long-term rental and one-year exemption to encourage short-stay accommodation properties to be made available for long-term residential rental. Further assistance will now be provided to landlords and tenants by contemporising existing land tax thresholds. This bill increases the tax-free threshold for land tax from \$24 999 to \$49 999, with the middle tax band threshold now starting from \$50 000 and increases the top tax band threshold from \$350 000 to \$400 000. Based on 2021 data these changes will save around 70 000 Tasmanians up to \$613 on their land tax bill. It will also mean an additional 4100 landowners will now pay no land tax in the year ahead, reducing the need to pass on this cost in the form of rental increases.

This Government also understands that the COVID-19 pandemic has created challenges for many taxpayers. To assist taxpayers, this bill allows the Government to half the premium rate of penalty interest charged on unpaid tax from 8 per cent to 4 per cent. It also provides for all land tax bills over \$500 to be paid by three instalments over the year. This will allow around 68 per cent of land taxpayers to now pay by instalments.

This Government acknowledges the need to ease the cost-of-living pressures for Tasmanians households and recognises that motor vehicle registrations represent a significant household expense. To enable the introduction of quarterly vehicle registration payments, this bill caps the Motor Accidents Insurance Board premium duty at \$20 per annum and allows the duty to be calculated to align with the vehicle's registration renewals period while continuing to apply the existing calculation in limited circumstances. Being able to spread the annual vehicle registration cost over four payments without applying additional Motor Accidents Insurance Board premium duty presents a benefit to those owners who want to or need to utilise quarterly payments, particularly those facing financial hardship.

Mr Speaker, higher front costs have been identified as one reason why people may choose not to purchase an electric or hydrogen fuel cell vehicle. To encourage more Tasmanians to get behind the wheel of these vehicles and build on Tasmania's record of climate leadership, this Government will waive the duty payable on the purchase of new and second-hand electric and hydrogen fuel cell vehicles for two years from 1 July 2021.

This initiative will increase the number of newer safer and cleaner vehicles in the Tasmanian vehicle fleet by encouraging more people to make the initial purchases of vehicle

without an internal combustion engine. As these vehicles are subsequently sold into the second-hand market, the state will see an increase in its stock of alternatively powered vehicles.

Mr Speaker, this bill gives effect to the Government's tax initiatives announced in the state of the state address as well as Liberal Party commitments made in the lead-up to the 2021 Tasmanian state election to secure Tasmania's future.

These measures reflect the Liberal Government's continued support for Tasmanians throughout COVID-19, reinforces the Government's commitment to provide more sustainable housing outcomes across Tasmania, ease costs of living pressures and help Tasmania play its part in the response to climate change.

I commend this bill to the House.

[3.46 p.m.]

**Ms WHITE** (Lyons) - Mr Speaker, I rise to make a contribution on the Treasury Miscellaneous (Cost of Living and Affordable Housing Support) Bill 2021 and indicate that the Labor Party will be supporting this bill.

I thank the Government's advisers for the briefing we received yesterday. I did flag that there were a couple of questions I would be asking you today, minister, so I hope an answer might be able to be provided today. I will go to those first so there is adequate time to get that prepared if needed.

The questions I had were in relation to the number of applications that have been received already by the Government, given that some of these measures are retrospective. In particular, how many applications have been received for the First Home Owner Grant since 1 April, which was the date it was announced and applications could be made at that time? As well, how many applications might have been received for the pensioner duty concession which in this bill will increase from \$400 000 to \$500 000 for eligible applicants? I would be interested to understand how many people are waiting for this bill to pass before they can access the support that has been promised, because it is a bill that is retrospective in nature.

On that, I would like to make the point that frequently it has been said, particularly by the Attorney-General, that retrospective legislation is bad and yet here we are in this place dealing with a bill that in two parts is retrospective in its application. It deals with announcements made by the Government, some in the state of the state address and some during the election campaign, that provide a benefit to the community of Tasmania that has not yet been able to be realised because the law does not exist to provide that benefit. One is the pensioner duty concession and the other is the First Home Owner Grant that was announced as a boost through the state election campaign.

I raise the point that if we are going to be criticised in the future for proposing that some things might be retrospective in order to provide equity and are then told that is a bad idea, the Government might want to reflect on how it brings legislation into this House that is retrospective.

I also have some questions in relation to the payment instalments for car registration, because whilst the MAIB component is dealt with in this bill, my understanding from the briefing yesterday is that no date has been set to commence payment of car registration in

instalments across the year because the Department of State Growth has not finalised how it is going to administer that.

Can the minister, both as the Minister for Finance and the Minister for State Growth, outline his understanding of the time frame for that? There are a lot of Tasmanians who already pay their registration in six-monthly instalments who, to ease their cost-of-living pressures, would look forward to being able to pay in quarterly instalments. If that is not available for many months yet, can the minister explain why?

I am also keen to understand whether there will be an additional administrative charge for paying in instalments. At the moment if you pay your registration as a lump sum payment, it is what it is, but if you pay in two instalments, there is an additional administration charge. What will that look like if you are paying across four instalments, for instance? I asked a question through the briefing yesterday about the ability to pay land tax in three payments and whether or not an administrative charge applied in that instance. I was told it did not. How can it be that Treasury is able to offer a billing regime where somebody can pay in three instalments across the year and not incur an additional administrative charge yet somebody paying their car registration to the Department of State Growth is going to be slugged with some kind of administrative charge?

Surely, if the Department of Treasury figured out a way to manage payments by instalments and not slug ratepayers or taxpayers extra, we can do it for car registration as well. I want to understand the logic there and why different methodologies are used across different departments. Can you shed any light on that, particularly given that this is titled 'A Cost of Living' bill? Advertising payments in instalments and then charging more for the pleasure does not seem to be helping people with their cost of living.

Mr Speaker, they were the main questions I had for the minister in relation to this bill. The other thing I was expecting to see in this bill, as outlined in the first 100-day plan and also announced through the election campaign, was the new foreign investor tax, which would be included in the land tax reform. My understanding, gained from the briefing, the first 100 days, is that all that is required is for Treasury to provide advice to government about how that will be delivered. If the Minister for Finance could indicate a time frame for when we might be seeing a bill to deal with that change promised at the election, I would be interested in that as well.

The only other point I will make is that, as outlined in the second reading speech, the bill gives effect to the Government's tax initiatives announced in the state of the state address as well as the election promises that were made. As we have discussed in previous debates, there is no funding provided through the supply bills this parliament has passed for those things to be supported immediately. They are big initiatives that would need to be funded through the ordinary process of a budget in August, which is also why I am interested to understand how many applications you have received, Minister. What is the quantum of funds the state can be expected to pay out to give effect to applications that are eligible prior to the August Budget? I presume they would need to be drawn from the Treasurer's reserve if agencies were unable to meet that through their existing allocations.

Mr Speaker, I ask that as a matter of interest to understand what impact that might have on the budgets for the agencies as we head into the August Budget. I am assuming if we get some data around how many applications have been received, presuming that those are all

going to be assessed as eligible, we can understand the quantum of funds we are talking about between now and then.

Beyond that, it is relatively straightforward for a bill that is a bit cobbled together, really. It is bits and pieces, this bill. I am sure once upon a time it was going to be a lot simpler, but it has had to incorporate some election promises and other bits and pieces as well, which makes it a bit of a hodgepodge. So, I commend the department for their best work in trying to make sense of all of that.

[3.55 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, the Greens will be supporting the Treasury Miscellaneous (Cost of Living and Affordable Housing Support) Bill. We recognise that all its key components are about meeting election commitments that were made by the Liberals during the campaign.

There are actually some excellent initiatives here, particularly around encouraging the uptake of electric vehicles through registration offsets. As a Green who has been in this place for 13 years, it has been quite encouraging to hear government ministers, in a conservative Government, championing the uptake of electric vehicles, and recognising that government has a critical role to play in seeding the second-hand vehicle fleet through its procurement of electric vehicles for the government fleet and for the public sector. We are very pleased to see that. As members would know, if you had a Greens government, not only would we be bringing down the cost of registering electric vehicles, but we would be slugging HUMMERS and big high-emissions vehicles that really need to be a thing of the past.

Earlier I heard the minister talk about Tasmania's record of climate leadership. I went back and had a look at the latest greenhouse accounts, which were released just last week or early this week. You will not hear it from Liberal government ministers, but I encourage members to have a look at the document, Tasmania's Greenhouse Accounts 2021. It contains a statement that is unarguable. It is what we have been saying since 2013, when Tasmania became a net-carbon sink. I do not know if Mr Barnett has read it, but the statement in the Government's own documentation says -

Tasmania's forests absorb carbon dioxide from the atmosphere. They offset all of our emissions.

That is right, Mr Speaker. This is the pre-eminent document for understanding our emissions profile. A document that has a message from the Premier and the Minister for Climate Change in the front, and has been through the Tasmanian Climate Change Office.

It is absolutely oxygen clear: the reason we are a national climate leader is because of our forests. In fact, if you look at the graphs - and I do not want to bring them in here and be accused of holding up a prop - when you look at the greenhouse accounts going back to 1990, you can see in 2012-13 a clear and sharp shift, where we became a net carbon sink.

Minister Barnett unfortunately is not here.

**Mr Ellis** - Wood is good.



**Ms O'CONNOR** - That is probably what he would say, but forests are better for life on Earth. I am just going to repeat that statement, so that no Government member can stand up in this place again and pretend that our forest estate, whether it is on public or private land, is not the single most important contributor to our emissions profile -

Tasmania's forests absorb carbon dioxide from the atmosphere. They offset all of our emissions.

When you read further into the report, it is terrific. Because of our forests, every member of this place, per capita, is emitting -3.1 tonnes of carbon dioxide equivalent each year. We are, per capita, the lowest emitters in the country. Why is that? It is because of the hard work of conservationists over decades, and it is because of the Tasmanian forest agreement. I just wish we had enough honesty from people like Minister Barnett - who never saw an intact forest he did not want to take a chainsaw to - to be honest about the state of our greenhouse accounts.

So, if the minister is going to say something about Tasmania being a climate leader, he should expect that either Dr Woodruff or I will get up and tell him a few facts, because he often occupies a fact-free universe.

The greenhouse accounts also make it really clear that we have a lot of work to do. In all other sectors of the economy, our emissions are going up - in waste, industrial processes, agriculture, electricity generation, transport and stationary combustion. We are seeing emissions rising because of this Government's failure to deliver legislation that actually works to bring down emissions, and their failure to work with industry - as we did when we were in government, with the full support of the premier of the day - to engage with our major industrials, major employers who have been part of this island's fabric and culture and economy for many decades, to work with them about how to bring their emissions down.

I will always be surprised and thankful that people like Ray Mostogl from Bell Bay and Rod Bender from Norske Skog were prepared to sit down with a Greens climate minister and advisers from the Climate Change Office and talk about how they might contribute towards lowering Tasmania's emission profile from industrial processes.

None of that work is happening now. None of it. It is a failure of leadership. It is a failure to work with industries to modernise their processes and ensure that they are constantly seeking ways to bring down their emissions profile.

We encourage Government to do the work that needs to be done. There is a genuine willingness among leaders of our major industrials - and across sectors such as plantations and the mining industry - to be part of the solutions, not to be part of the problem. If you have a government that is not showing leadership, the problem starts and ends with government, unfortunately.

The legislation we are looking at today gives effect to some of the recommendations made by PESRAC. I want to read into *Hansard* this wonderful section in the PESRAC report - '6.2: A Vision and Culture of Sustainability in Tasmania' - because the Premier promised to act on all of the recommendations of the PESRAC report. We are still waiting to hear what the Premier's response will be to the clear call from Tasmanians, and from his own Economic and Social Recovery Advisory Council, to have a plan for sustainability, to be prepared to do things

differently here in order to retain our competitive advantage, which is 'clean, green and wild Tasmania'.

PESRAC says:

Tasmania currently enjoys an environmental comparative advantage from our century-long history in hydro-electric energy, the large share of our land in reserves, a geography and climate that supports productive agriculture, and relatively low rates of industrialisation and population growth. These all contribute to our existing 'clean green' image.

Tasmania is a non-net greenhouse gas emitting jurisdiction - an enviable position in the current global context. Annual net greenhouse gas emissions in Tasmania have fallen by 111 per cent from 2005 levels, to negative 2.2 mega tonnes of carbon dioxide equivalents in 2018.

Here are the next sentences from PESRAC -

This has been driven primarily by changes in the forestry sector over the past decade. Carbon sequestration through regenerative forestry management and the production of solid timber products could be an important part of Tasmania's ongoing decarbonisation strategy ...

While forestry has driven reductions in Tasmania's carbon emissions, our underlying emissions from other activities continue to grow, particularly from industrial processes, manufacturing and construction.

Tasmania can get on with reducing emissions in other sectors of the economy.

Hear, hear PESRAC.

PESRAC also makes a strong recommendation for the Tasmanian Government to deliver a Tasmanian sustainability vision and strategy, to articulate ambitious goals and measurable targets and concrete actions to deliver the targets. PESRAC says by setting out a strategy over short, medium and long-term horizons, targets and actions can be tailored to suit the complexity of the problem, allowing varying degrees of intervention and iterative or scalable steps for longer-term goals.

This is one of those areas that the Greens would love to work with Government on. We would love to be able to find that safe space to work with Government and across this parliament to help develop a sustainability vision for Tasmania. It is one of the most important things we can possibly do, so I put that out there in the hope that when the Premier said he would adopt all of PESRAC's recommendations that is actually what he meant.

This is a miscellaneous bill, the stated intention of which is to ease cost-of-living pressures on Tasmanians. It provides a land tax break for people like most of us in here who are lucky enough to have a second property. When you walk into town down Murray Street, as I did the other morning to make a rare visit to church for the opening of parliament, one of those great sandstone piles there next to the one with the red awnings, obviously owned by

someone or someones with substantial financial resources, has emblazoned across the top a series of placards about how unfair land tax is. Imagine having a four-storey pile of historic sandstone in Murray Street and bleating about land tax. It is, as I said earlier, naïve at best to think that these relatively modest measures to ease land tax will bring downward pressure on rents, as Ms Ogilvie tried to tell this House yesterday. It is naïve at best and delusional at worst.

**Mr Ferguson** - There's a Clark thing going on here.

**Ms O'CONNOR** - No, there is not. Do you actually think I am that worried about Clark? Well, maybe Ms Ogilvie is not the only delusional one in here.

**Ms Ogilvie** - Don't call me delusional.

**Ms O'CONNOR** - I called the statement that land tax relief -

**Ms Ogilvie** - No, you called me delusional.

**Ms O'CONNOR** - It is not all about you. Remember you are a team player. Let me put it this way - it is definitely naïve to think that bringing land tax relief to the propertied class and landlords will lead to any reduction in rents.

**Mr Ellis** - So you're not going to reduce rents to your tenants?

**Ms O'CONNOR** - I do not have any tenants, Mr Ellis, but I know a lot of people who are stressed to their back teeth about the increase in rents and the risk that if they raise an issue with their landlord or cannot find the money to pay the rent they will be made homeless. If you want to bring real cost-of-living relief to tenants you do not give tax breaks to the propertied class. You make sure that your Residential Tenancy Act has some capacity to rein in unreasonable rent increases, as they have in the ACT through a mechanism that actually works. It provides certainty to landlords and provides an avenue for relief for tenants. But no, none of that, no real breaks for tenants here, not really. You hand out a bit of a break to people who own a second, third, fourth or tenth property and leave tenants swinging, and that is exactly what has happened.

I was having a look at the real estate pages the other day online just out of interest and I saw a dog box in Moonah - basically a dog box with no garden, no real fence and the pictures of it inside were pretty bleak - on the market for \$770 000. My heart broke for young working people, for young people who want to own a home. They are absolutely priced out of this market. It is over for them. They cannot buy a home and they can barely afford to rent one, yet this Government brings in a bill that is called 'Cost of Living Support'.

I do not think most members of this place have fully grasped the depth of socioeconomic distress in our community caused by a housing shortage and an explosion in short-stay accommodation, coupled with increased population. I urge members who think giving a land tax break to the propertied set is an appropriate cost-of-living measure that may bring down rents to get out more and talk to people who are trying to live, for example, on a Commonwealth support payment in the private rental market. There are people right now who can barely afford groceries. There are people now who after they pay their rent are left with about \$120 a fortnight, Mr Speaker.

**Ms White** - If that.

**Ms O'CONNOR** - If that. I understand we are dealing with a conservative government. It is a Tasmanian type of neoliberalism but it is neoliberalism. It is about the moneyed set. There is a significant difference between a conservative government and a progressive government in terms of what they prioritise. Progressive governments, historically, will prioritise giving people at the margins of society a break, and that is not happening here in Tasmania where there are 120 000 people living in poverty.

If you want to do something serious about the cost of living have a look at your concession system. Bring in some controls on rent increases. Invest more in emergency accommodation. Properly roll out free household energy efficiency upgrades for low and medium-income households, whether they are in the public or the private rental market. Because of the way public housing has gone, people who previously would have been able to rely on Housing Tasmania for secure affordable housing cannot do that. They are at the mercy of the private rental market.

We could be making all TasTAFE courses free, expanding vocational courses, increasing skills, green skills, renewables roll outs. We took a policy to fund an extra \$10 million a year for two years initially to expand eligibility for the full range of Tasmanian government concessions to every person resident in Tasmania, including temporary visa holders who currently live below the recognised poverty line on less than \$430 a week and every household living on less than \$600 a week. There are plenty of them, Mr Deputy Speaker, in my electorate, in your electorate - there are plenty of people living on \$600 all over Tasmania.

Where is the relief for school costs for children? What about some free public passenger transport to enable people to affordably access education, skills and training, to provide some real equity for people living in rural and regional areas? Where is the extra allocation for emergency food relief? I was somewhat encouraged to hear that all parties took to the election an increase in funding for our marvellous Neighbourhood Houses, but the need in our community grows. In the context of a housing market that is boiling - it is not only hot, the housing market is boiling - you increase your first home builder's grant to \$30 000 in a market where there is a dog box for sale in Moonah for \$770 000. It is a noble gesture on Government's part, but for most people, they cannot get past first base, let alone be able to utilise that grant to buy a house that is three quarters of a million dollars. In every Hobart suburb, house prices are soaring. You can have a look in Claremont now and most properties on the market in Claremont are over \$500 000 to \$600 000, half a million dollars to buy your first home, so yes, it is terrific, we have increased that money up-front for first home buyers, but it is not enough.

We need structural reform, significant new supply built to a quality, we need to have medium-density in our built-up areas, we need to regulate short-stay accommodation and we need to start thinking about one-in-four Tasmanians right now who live in poverty. They are the ones who need real cost-of-living relief. They need expanded concessions, rent controls, energy-efficiency upgrades and access to quality healthy food. As the Heart Foundation tells us, in Tasmania, this beautiful little island with all this agricultural land, there are food deserts.

I was pleased to hear my colleague, the new member for Clark in her first question yesterday, ask about school lunches. Why wouldn't that be something we could all agree on in here? It is actually good policy, as the school breakfast program expansion would be good policy. That is enduring, substantive, cost-of-living relief to people who need it most, but most

of the measures in this bill, we would argue, slightly misfire because they are not reaching the people who need the relief most.

We will support the bill.

[4.18 p.m.]

**Ms JOHNSTON** (Clark) - Mr Deputy Speaker, I will keep my contribution brief. During the recent election, many people raised with me their concerns about the substantial increases and rent they were experiencing and on a number of occasions I heard that rents had increased between \$150 and \$250 per week. This is my book is unjustifiable and unreasonable and is resulting in more Tasmanians experiencing severe housing stress.

I also heard from some landlords that the reason they had been increasing their rents, they say, was because of their land tax burden. I acknowledge that this bill, as the minister has indicated, will provide land tax relief for a significant number of landlords and refer to approximately 70 000 Tasmanians receiving a saving of up to \$613 on their land tax bill which means an additional 4100 land owners will now pay no land tax in the year ahead.

I put on record that it is my strong hope that this relief will be passed on to tenants and that land tax burdens can no longer be used as an excuse by landlords for large rent increases. However I am not naive and I acknowledge Ms O'Connor's earlier contribution on this. It is my firm view that this is only one small initiative and that real change and impact on tenants' lives comes from further amendments to the Residential Tenancy Act and we need to take further steps to prevent unreasonable and unjustifiable large increases in rent if we want to make a true difference, a real difference to the lives of tenants in Tasmania.

I copped a fair bit of flack during the campaign, particularly from a landlord group in relation to my position on this, but I stand true, in representing those most disadvantaged in our community, in particular those experiencing significant housing distress.

We want to eliminate this excuse, that land tax is causing upward pressure on rents. This is one measure we can take to eliminate that excuse and I hope to see improvements in this, but I do want to flag that much much more needs to be done and that amendments to the Residential Tenancy Act are required to ensure that this kind of excuse cannot be used into the future and we can make a real difference.

[4.21 p.m.]

**Mr ELLIS** (Braddon) - Mr Deputy Speaker, I will keep my remarks brief as well but I wanted to congratulate the minister on an outstanding bill. I wanted to particularly talk about the supports that are available to get people into their first home, or to get people out of the home that they are in and into a home that is more appropriate for them, so that perhaps a new family can move into the home that they have loved so much.

I am really pleased particularly at this time in my life to see a bill that includes an increase to the first homeowners grant from \$20 000 to \$30 000 until 30 June 2022 to support first home buyers into home ownership. We know it is the great Australian dream, certainly it is the great Tasmanian dream to own your own home. The freedom that that gives you, the ability to generate capital, to have the stability to raise a family and also putting you in a place where you feel comfortable, you feel settled and you can put down roots in your community, is an invaluable thing. It is something that we as Liberals believe wholeheartedly, one of the keys

to a really strong family life is the aspiration to own your own home. So, we are very very proud to be supporting that.

It has come right on the back of the very successful Home Builder Program and Tasmanian Home Builder Grants. This is about helping Tasmanians to achieve that dream of home ownership. It is also about stimulating our economy, and one of the things that anyone in this House who has conversations with tradies will know that things are absolutely flat out at the moment. You cannot get a tiler on the north-west coast for love or money. I have only tried the latter, but I am sure there are plenty of people who have tried the former and it is just not happening. So, it is a wonderful problem to have because it means that we are going to get more apprentices. There are going to be people who are coming on line, who are leaving school or perhaps want to retrain, who will be able to take up a job in the construction sector, which is where I came from before I was in this place. It was a great job. When we employ people in those kind of jobs they are the kind of jobs that you can support a family on, you can save up a deposit for a house, with a bit of assistance and you can own your own home.

They are similar to other jobs in Tasmania that you can get in the forestry sector, the mining sector, fish farming, typically all the things that the Greens want to destroy. These are the kind of jobs that you can save up to own your own home, you can get the deposit that you need to get into the house that you want to have. While we are at it, I encourage anyone who is looking for work to come up to the north-west, west coast, King Island. I think the unemployment rate in King Island is something like 3 per cent at the moment. They are crying out for anyone who is keen to work to come up to that place and you can have a wonderful life and own your own home.

The First Home Owners Grant is about providing benefits to first home buyers, but there is also assistance in other areas in this space. It is about improving housing and housing affordability. It is a duty concession for first home owners and established properties. We are talking about an ability to either buy your own home or for people who are empty nesters, they have bought the family home and they are looking to downsize. We want to give them a stamp duty concession as well, so they are not trapped in the home that was once appropriate for them and is now not really. They want to move into a smaller place, maybe fewer gardens to look after, maybe there are fewer rooms to look after in the house. They might just have the grannies over every now and again so they want to get out of the larger family homes and into something smaller and more appropriate. That also means that it frees it up - that home can now be bought by a young family. This happened in our case where we bought a home. The family had moved on and it is a rambling kind of place that needed a lot of work. We were young and we wanted to get into it, so it worked out really well for us. We want to encourage people to make that shift, do that change, to own the kind of home that is appropriate for their season of life. And for someone else to be able to take advantage of the home that served them so well over the years.

The foreign investor duty surcharge, mentioned before, was introduced to put downward pressure on housing demand by charging a duty surcharge on properties being purchased by foreign persons. I know this is widely supported in my home region, in my electorate, and I hope the same is true for the other side.

We are also increasing the threshold for our 50 per cent stamp duty concession for first home buyers and pensioners downsizing, from \$400 000 to \$500 000 property sales.

The Government's broader housing policy includes \$2 million to develop a comprehensive long-term strategy to address Tasmanians' housing needs over the next 20 years, and that is across the full spectrum. We are talking to people who are in private homes, who are in public homes. We want to make sure that everyone has a roof over their head. We want to encourage them to take up that aspiration of owning their own home. But for those who need a bit of extra assistance, the Premier said we are a government of compassion and conviction - that includes people being able to have a roof over their head.

I do not want to take up too much more time on this debate other than to make a couple of brief comments in terms of land tax. We know that the Labor Party in one of their previous iterations proposed a shack tax through an increase in land tax. That was widely rejected. In 2018 they were making all sorts of eerie noises about maybe doing it again. In every shack-owning town on the north-west coast, in every shack area, the Labor Party lost in every single booth. We are talking Edgcumbe Beach, we are talking Hellyer, we are talking Arthur River, we are talking down in Strahan, in Port Sorell. Wherever people have shacks in the north west, they lost the booth.

People just simply do not trust the Labor Party not to increase their taxes. It is in their DNA. Their failed former leader who is now shadow treasurer, who said that we have some kind of tired failed agenda of tax cuts, well we are really proud of the agenda of tax cuts and there is certainly widespread support for that in my community.

**Ms O'Connor** interjecting

**Mr ELLIS** - I cannot speak to Ms O'Connor, member for Clark, Leader of the Greens. I cannot speak to the tendencies of people there but I am sure there are lots of people with lovely shacks in Orford or on the Tasman Peninsula, or wherever else down south, who do not want to be slugged by excessive land tax and who want to be able to have that other great Tasmanian dream. Not only owning your own home but also having a shack that you can relax at, however humble or daggy or grand or whatever that may be. It is all part of our way of life. We are very proud to bring down land tax in Tasmania.

All sorts of strange things came out from the Labor Party during this election. Labor failed to submit their tax policy to Treasury for costings, and how can you take them seriously if they are not even going to put them up. They claimed it would reduce a farcical 150 000 land tax accounts by up to \$2300 a year. But there are only 70 000 land tax payers in Tasmania.

I am really looking forward to the former opposition leader, now shadow treasurer giving us an opportunity to understand how that works. She was very generous about us plagiarising her health policy yesterday. I do not know if we can plagiarise her land tax policy but I would really like a chance to understand it and see how 150 000 fits into 70 000. With that I will take my seat. I commend this bill to the House.

**Mr TUCKER** (Lyons) - Mr Speaker, I would like to welcome Janie to the parliament. It is great to have another classmate in here with me. I am pleased to speak in support of this bill. The Tasmanian Liberal Government is totally committed to rebuilding Tasmania's economy post COVID-19. We have laid out a plan to secure Tasmania's future, to continue building on our strong economic position, to create jobs and ensure we have the skills and training pathways Tasmanians need. It is better to train someone to fish than to give them fish.

Tasmanians overwhelmingly want us to get on with the job and that is what we are doing by introducing several tax initiatives to address concerns about increasing land tax liabilities and to address housing affordability. One of the key reforms that the Tasmanian economy needs is certainty: certainty when it comes to timeframes for government bodies, councils and regulatory bodies. This government committed to increase the first home owner grant, introduce quarterly vehicle registration payments and provide a two-year waiver on the purchase of new and second-hand electric vehicles.

The Treasury Miscellaneous (Cost of Living and Affordable Housing Support) Bill 2021 amends the necessary legislation to give effect to the Government's commitments. The minister has outlined in detail the amendments in this bill and for the record I will touch briefly on the merits in supporting them. Bills for six-monthly or yearly car registration renewals can be tough on many Tasmanian household budgets, especially those on low or fixed incomes. That is why we have made a commitment during the election campaign to make payment easier. This is just another way that the Tasmanian Liberal Government is reducing cost-of-living pressures for Tasmanians.

From 1 July 2021, Tasmanian drivers will have the option to pay their registration bill quarterly or to continue with either six-monthly or yearly payments. Quarterly payments will make paying registration easier by spreading the cost over the year, avoiding bill-shock or having to find a significant amount for six-monthly or yearly payments. The fee structure will be modified to enable this to be a cost-effective option for Tasmanians. Until the necessary regulations are in place, we have immediately waived the administration fee and the MAIB surcharge for those choosing quarterly payments now. Initially the three-month payment option can be taken up through Service Tasmania or by BPay. This will be extended to all payment channels by September. These measures will provide immediate financial relief for many Tasmanians and it is great to see the government implementing this initiative as part of its first 100-day plan.

The Tasmanian Liberal Government is committed to supporting electric vehicle uptake in Tasmania and reduce transport emissions. Transport is a significant source of Tasmania's greenhouse emissions - 21.5 per cent in 2019 - and vehicle fleet cost are a considerable expense for the Tasmanian Government, Local Government, the private sector and the community. This bill provides for a two-year stamp duty waiver on electric vehicles, battery-electric and hydrogen vehicles. It is proposed to apply from 1 July 2021 and will save purchasers of electric vehicles around \$2000 for a medium-level electric vehicle currently on the market.

Other transport elements of the Government's climate change policy include a two-year registration waiver on electric vehicles for hire car companies and coach companies, and a further \$600 000 'Charge Smart' grants program for regional and key tourist destinations, delivering a statewide charging network of 14 fast-chargers and 23 workplace and destination chargers. In 2018-19, transport emissions grew by 7 per cent. Transport emissions were 17 per cent higher than they were in 1990. The registration waiver for the car hire and coach companies will be provided in the form of a grant from 1 July 2021 under the regulations. Further, I understand that the New South Wales, Victorian and South Australian governments have plans to introduce road user charging for electric vehicles. The Tasmanian Government has no plans to introduce road user charging for electric vehicles at this stage. We want to encourage electric vehicle uptake, not discourage it at this early stage.



These measures reflect the Tasmanian Liberal Government's continued support for Tasmanians through COVID-19, reinforcing the Government's commitment to provide more sustainable housing outcomes across Tasmania, ease cost-of-living pressures and help Tasmania play its part in the response to climate change. Projects like these will be at the forefront of the Government's areas of focus. We all need to do more, work harder and make changes.

Mr Speaker, today the House has the opportunity to support a range of balanced and meaningful amendments and necessary legislation that has been carefully constructed to deliver a consistent and predictable regulatory environment. These bills are about helping Tasmanians and the bill before this House today delivers real reforms. These are important and sensible reforms and I commend the bill to the House.

[4.36 p.m.]

**Mr FERGUSON** (Bass - Minister for Finance) - Thank you, Ms White, Ms O'Connor, Ms Johnston, Mr Ellis and Mr Tucker for your contributions in what has, in different ways, expressed complete support for this package of legislation. I was trying to think of an antonym for 'hotchpotch'. I can only come up with considered and well-constructed.

Mr Speaker, I have to commend the great people who have assisted me, the Treasurer and the Government with the policy work behind this. As people who have been in government on the other side would perhaps know and remember, taking an election policy into legislation has a whole body of work associated with it and people have moved in incredible, almost lightning time to get the policy minutes drafted, the costings precisely worked out and the drafting instructions for OPC to bring it back to a mature bill. They have done it in an incredible time.

We are here in the first week of parliament following the election and two days later, after tabling it on Tuesday, we are debating it, and subject to all going well in the other place, it will be law, lickety-split. I am thrilled about that and really grateful that while this is just a very small subset of the many things we are doing to support our community and people who are doing it tough, but also middle Tasmanians and families who need support, we want them to do well. We want them to do better. This is a number of initiatives that require legislation and for us to meet the timetable that we are committed to, which is ambitious, we need this legislation through to enable that.

I believe that every party said this is worthy of support today and I understand that people have different perspectives on what more or less could also be done. That is fine.

I will address the questions in turn. Being conscious of the other legislation, I intend to not draw this out too long. I hope my answers will be satisfactory.

In relation to duty, I was asked about how many applications for pensioner duty concession have received since the policy was announced on 16 March. My advice is that to date SRO has received 26 applications with a dutiable value between \$400 000 and \$500 000. Ms White, to be very clear, these are the ones who are in the band between the old and the new thresholds.

How we expect this to be managed to ensure people can get the full financial benefit is that all eligible transactions with that dutiable value that sits between \$400 000 and \$500 000

will be reassessed once this bill receives royal assent. Those taxpayers who applied for the concession before royal assent will still be entitled to that full benefit and they have been made aware of that. That does not come at an appropriated cost because it is a revenue forgone.

In relation to the First Home Owner Grant, I was asked by Ms White how many applications have been received since 1 April, which was its commencement date. I am advised it has received 13 applications. Naturally, as you would expect, they have been already paid, or they are being paid the current legislated grant amount of \$20 000. They are not being told they have to wait for the full \$30 000. They are receiving their benefit of \$20 000 but they are also aware that once the bill receives royal assent, those applicants will be paid the additional \$10 000.

In relation to car registration, I think everybody mentioned this. I am particularly passionate about this. It has been one that has been a long time coming and there has been a lot of energy and effort by my department, and when I say my department I mean State Growth, and Treasury, in bringing this to fruition. They have done a great job. I told them they had to implement it by 1 July in advance of the legislation, find a way, and as often happens for a minister with a department that wants to get great outcomes for the state, they have delivered.

There are a few steps here. I will do my best to outline it without making it more complicated than is needed. This particular measure in the legislation, as the notes indicate, will take effect on a date to be proclaimed. Natural curiosity would ask what do you mean, when? Our intention is this year and we are aiming for the September renewals. Vehicle registration fees, due to the implementation of quarterly payments, are currently under review. In addition to this, the Department of State Growth needs to use this time to undertake the necessary updates to their systems and processes to allow quarterly payments.

For this reason, the MAIB duty provisions included in this bill have a flexible commencement date. I am aiming for September but the House is being asked to accept that it will be a date to be proclaimed to allow all necessary changes regarding quarterly payments to be made at the same time. This is to ensure a smooth transaction for customers.

I was absolutely delighted to be at the Northern Suburbs Community Centre with John Hooper from the NILS Network and the lovely team at the centre. Mary and Kaz were there, and with this great announcement we have committed that anybody who wants to take advantage of quarterly payments from 1 July will be able to do that, even in advance of this legislation.

It is a work-around that we have established. People will be able to pay quarterly on light vehicles in addition to the existing six- and 12-month options. Initially, the three-month option will be available at Service Tasmania and by BPay, with other payment channels available shortly thereafter. The quarterly amount payable will be calculated based on the number of days and any duty, MAIB premiums or administration fees payable. The administration fee and MAIB surcharge have been immediately waived for those quarterly registrations as transitional relief while the department reviews and modernises the car registration fee structure.

Even in those circumstances, the very cheapest registration will be your 12-month premium, and for people who are eligible for a no-interest loan scheme - and we are encouraging people who are struggling to go to an agent of the NILS Network - your best deal

might be to get the full year premium and pay it through the NILS scheme on a more frequent basis. That is also something we established last year particularly for people who are doing it tough. We want to help them with every dollar.

**Ms White** - Minister, on that point, there will be an additional administrative fee charged for payments in instalments?

**Mr FERGUSON** - There already is; that is set in legislation. I am advised that the act was amended in 2012 to increase the duty on MAIB premiums from \$6 per registration to \$20 per registration. The legislation did not cap the \$20 as an annual amount. Unfortunately, I feel what has occurred as a result is that the \$20 fee currently applies each and every time a person registers or renews their vehicle registration. I would say the government of that time had not intended this, but the effect is that as we move to quarterly and six-monthly, as is currently the case, people are hit with that fee every time. This legislation will annualise that fee, and it will mean that for whatever period - and we are saying six-monthly and quarterly - of the year that you are seeking a registration, it will be that fraction of \$20 that you will pay.

I believe I am correct. I have been talking about the Motor Accident Insurance Board (MAIB) duty, which we are annualising at \$20, and whatever fraction of the year you are renewing for, it will be that fraction of \$20 which will be applied. There are other fees. There are administrative fees. They are approximately \$16 per payment, and they are part of the review that is underway right now with State Growth. We are going to work in a way to minimise those fees, particularly as we shift those applicants who want to go to quarterly, so that they can be minimised as much as possible.

**Ms White** - Minister, when that is finalised in September for those renewals, is that a matter that will need to come to the House, or will it just be dealt with through regulation?

**Mr FERGUSON** - I will do my best on this because I do not have State Growth staff; I have Treasury staff. The best understanding I am being provided with is that \$16.20 is the current administrative fee for those paying six-monthly. It is \$16.20 per annum for those paying six-monthly, so if you take the two payments together, you are paying that administrative fee. While it is still being finalised, we look forward to announcing it based on that approach. We would be looking to halve those for quarterly payments, rather than having yet another impost as a result of a person's choice to pay quarterly.

This is a work in progress. I cannot make that commitment rock-solid today, but we are working on it. In the meantime, if your vehicle is due for renewal from 1 July onwards, and you have received your renewal in June, even now you are being provided with the opportunity to pay those administrative fees, but the MAIB surcharge has been waived.

In relation to the foreign investor land tax surcharge, advice has been sought from Treasury in accordance with the Government's First 100 Days plan. The Government has not yet received it, but it will review that advice and then determine the time frame for the foreign investor land tax surcharge to be implemented.

**Ms White** - Do you intend to do that this year?

**Mr FERGUSON** - We are not in receipt of that advice at this point.

There are a number of issues around housing. I welcome that debate. Our whole Government is aware of and focused on accepting that there is housing stress. We are in a circumstance where people are wanting to be in Tasmania. Politicians for generations have dreamt of this time, that people would want to move to Tasmania and make it their home, and just as importantly - perhaps more importantly - that our young people would cease the necessity of leaving Tasmania in search of work.

Tasmania is growing its population. That has put pressure on housing, there is no doubt about that. This bill is not about sorting that all out. This bill is just one part, one tactical response to a broader strategy around housing and housing initiatives - supply, helping people through emergency circumstances, and public, social and affordable housing.

This particular initiative is very fair. Ms Ogilvie is not here now to hear me responding to the criticism of her own comments, but a reduction in tax on the landowner or property owner is going to put downward pressure on rents. Of course it will. A reduction in tax can only put downward pressure on rents.

**Ms O'Connor** - What is going to be the average saving?

**Mr FERGUSON** - Honestly, this Clark-oriented criticism of Ms Ogilvie and describing her in the way that I say is most unfair and inaccurately -

**Ms O'Connor** - I said it was a naive assumption.

**Mr FERGUSON** - You did say that. Thank you, you did.

**Ms O'Connor** - It is a naive assumption.

**Mr FERGUSON** - Sounds like a criticism to me. Now, in some cases - not in the residential space, but in many commercial leases - land tax will be seen as an overhead. It is paid directly by the tenant. That is a further example where reducing land tax will provide a benefit to a commercial tenant. Not all of them are doing too well.

In the housing space, if the land tax thresholds were not addressed in the way this bill does, that puts upward pressure on rents.

**Ms O'Connor** - There is upward pressure on rents now.

**Mr FERGUSON** - It is a simple fact. It is such a commonsense understanding that if we do not get 70 000 landowners with a \$613 benefit you can guarantee, sure as eggs are eggs, that the rent is going to be reflective of that \$613. It is going to be.

For those people who would see property values increasing, moving them into the next bracket of land tax, it just stands to reason. What we are seeing here is again not the full solution. Nobody has described it thus, but if you reduce tax on a property you are going to see downward pressure on rents. That would be the Government's expectation.

Again, it is a small part. Let us put this into context. It is a small part of the Government's strategy to support housing and to increase supply. Importantly as well - this was not in my second reading speech, and I do not think it featured in the debate - the first homeowner grant

is also targeted at newly constructed dwellings, and it also supports addressing housing affordability. It produces more supply. It is that small extra incentive; injection of incentive from the Government to young couples and older people if they like. If it is their first home that they are building, that might help them decide to build, and good on them. If it helps them make the decision to build, that is one extra dwelling.

By the way, if it helps them make the decision to build, that is another existing home that is not in their field of view. They are not looking at existing stock. That is then available for someone else to buy. Just think this through. More dwellings, more support, less pressure on people who are looking for housing. This is what the first homeowner grant is designed to do, particularly given that the homebuilder schemes are now closed to new applicants. As that scheme winds through, here is the first homeowner grant increase.

Again, that is not all that we are doing. The bill provides for a duty concession for first homebuyers of established properties. We are also providing that duty concession for eligible seniors downsizing their larger traditional family home that they may have been in for a couple of decades or more, downsizing to something that is more suitable for them. Good on them. And then what do we have? A three- or four-bedroom home available for someone else. This small extra opportunity might help them make that decision. It might actually help to free up underutilised property for the broader Tasmanian community, and I think that is great.

The Government has also introduced a three-year land tax exemption to encourage investors to build new homes and make them available for long-term rental. The Government introduced a one-year land tax exemption to encourage investors to take their shacks or existing properties that are being used for short-stay accommodation, to make them available for long-term rental, to improve the supply of long-term rentals. We are not telling people what to do with their properties, but if that small incentive helps them make that decision, then that is more properties available for the broader market.

When you have an increasing population - and by the way, why have we had increased population? It is because the Gutwein Liberal Government has been increasing the economy and increasing job opportunities. The job opportunities are here. There are 24 000 more people in work.

**Ms O'CONNOR** - Point of order. The Code of Ethical Conduct requires of us to tell the truth in this place. The minister is being dishonest about why Tasmania's population is increasing. It has nothing to do with government policies - climate and COVID-19.

**Mr DEPUTY SPEAKER** - It is not a point of order, Ms O'Connor. It is the minister's opinion which he is entitled to, as you are entitled to yours.

**Mr FERGUSON** - Thank you, Mr Deputy Speaker, for your protection; I needed that. The simple fact is that more jobs means more population. It is not plausible what Ms O'Connor says, that the housing crisis here is caused by what was it?

**Ms O'Connor** - Climate and COVID refugees, a significant part of it.

**Mr FERGUSON** - Climate refugees. The argument that you put forward is completely without evidence, but I put forward a different theory. When you grow the economy, you see small business confidence soaring and private and government infrastructure investments

growing. People come for the jobs. People do not leave to live in another state the way they did in the Labor-Greens dark years -

**Ms O'Connor** - They are, because they can't find a home.

**Mr DEPUTY SPEAKER** - Order, Ms O'Connor.

**Mr FERGUSON** - when you were shutting down industries and people were economic refugees leaving Tasmania to go to other states where governments were more friendly and encouraging people to go and make a living.

That is a good story for our state, but there is a consequence. With more people wanting to live here and less people fleeing, it puts pressure on housing. We accept that and we want to build supply. That is a far more plausible explanation for housing stress than claiming somehow people are reaching for the southern soils of Tasmania as climate refugees, Ms O'Connor, with respect.

**Ms O'Connor** - You have not done your homework, minister. You are so puffed up you don't even know what the truth is.

**Mr FERGUSON** - This is the interjection of someone who has no foundation for her rhetoric.

**Ms O'Connor** - I beg your pardon? I was minister for housing for four years and had the waiting list at its lowest levels in a decade.

**Mr FERGUSON** - Ms O'Connor, thank you for saying that. I regret those years of the Labor-Greens government where you pushed people out of work, shut down the forest industry, took the state into recession and people left the state looking for work. The population reflects that. Of course there was less demand on housing, Ms O'Connor, I say to you with respect. They were the dark years of this state when people were leaving the state in their droves.

**Ms O'Connor** - All the economic indicators were turning around after the Labor-Greens government in 2013.

**Mr DEPUTY SPEAKER** - Order, Ms O'Connor.

**Ms O'Connor** - We had the guts to make some substantive budget savings.

**Mr DEPUTY SPEAKER** - I have allowed the interjections and they are now going to stop so that the minister can finish his contribution in silence, as you were heard in silence while I was in the Chair, Ms O'Connor.

**Ms O'CONNOR** - On your ruling, Mr Deputy Speaker, you might encourage the minister not to incite interjections in the way that he is.

**Mr DEPUTY SPEAKER** - That is not a point of order.

**Ms O'Connor** - He should treat everyone equally in here.

**Mr FERGUSON** - I would love it if the Greens would stand by their belief that everybody here be treated equally, Mr Deputy Speaker, because they are always looking for a carve-out for themselves.

I will conclude because we have so much happening in the Housing space. Other measures include the Government's HomeShare program, that is being expanded. There is the Streets Ahead program, and congratulations to former minister Roger Jaensch for his stellar work in implementing the important housing affordability strategy. Great work.

During the campaign we were challenged by someone left of politics, let's put it that way, that the Government should be setting rents. As the Liberal Party we said no during the campaign, I believe the Labor Party said no, and I can rule out that the Government is going to be setting rents because we are not a socialist state. We are not going to dictate to owners of property what they can and should charge in a market-based economy.

Think this through. We do not tell shack owners that they must release that property for residential rental but if they choose to, and maybe with an incentive, they may make that decision themselves. If one day a socialist government started setting rents for property that they do not own, the consequences of that would be immediately clear. There will be no more property available because those owners will sell it. Who will they sell it to? People who can afford to buy them. What will happen to people who cannot afford to buy? There will be less housing stock for them to rent. When you interfere in the business of other people's property, that is the impact and that is the simplest explanation I can provide for why some of the findings of that Alison Standen inquiry was simply not plausible for landowners and property owners. It may come from a good place but it has consequences, because decisions have consequences and the consequences might have actually seen less people being able to have a place to rent. Just think that through.

I appreciate, Ms O'Connor, you are your best when you say things other than that. We want to see good outcomes for our state. This side of parliament has demonstrated its compassion and care for people who struggle, and the ones on the margins of society are the ones we genuinely want to help and are. It is the case that there is \$615 million in housing programs that this Government is funding and committed to as part of the election. It is the largest expansion in home supply in the state's history. It has been phenomenal the things -

**Ms O'Connor** - You should have started three years earlier.

**Mr FERGUSON** - You may make that point, Ms O'Connor, but it does not defeat the central point. We do care, we want our state to flourish, we want everybody to feel the benefits of the improvement in the economy, but the conversation could have been much different. The state was taken into recession and people were flung out of work by a government that was more focused on holding together its Labor-Greens alliance than looking after businesses and people in work in traditional industries, who were treated like criminals and second-class citizens, whose jobs did not matter and were told to get into the tourism industry.

The conversation then was very different and our state has arisen to a new stage, but as we continue we are putting downward pressure on the cost of living, supporting people with their car registrations, supporting people downsizing, supporting people with their land tax and supporting people through our housing programs. I dare say it will never be the full answer but we will continue to work with compassion and conviction to make sure our state flourishes.

Mr Deputy Speaker, I needed to rebut some of those flagrant arguments that were made by Ms O'Connor, and am happy to have done so. I thank members for their support for this legislation. It is needed and I commend the bill to the House.

**Bill read the second time.**

**Bill read the third time.**

## **LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN PLANNING SCHEME MODIFICATION) BILL 2021 (No. 13)**

### **Second Reading**

[5.03 p.m.]

**Mr JAENSCH** (Braddon - Minister for Local Government and Planning) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

The Government's planning reform program is creating a planning system that is policy-led, evidence-based, strategically guided and current. The first phase of these reforms is the full implementation of the Tasmanian Planning Scheme which will see a single set of planning rules applied across our state.

The Tasmanian Planning Scheme is already in effect in several local government areas across the three regions, with others to come on line as each local provision schedule is approved by the independent Tasmanian Planning Commission.

In the coming months and years, the second phase of our reform program will deliver a suite of planning policies and a robust and sustainable regional planning framework, including comprehensive reviews of all three current regional land use strategies. Meanwhile, the Government is refining current planning processes to ensure that the planning system is efficient and responsive and that we can achieve a fair and orderly transition to the new planning system.

This amendment bill make a number of amendments to the Land Use Planning and Approvals Act 1993, which we will refer to as LUPAA. These amendments are simple in what they aim to achieve but are rather technical in nature as they relate to the detailed administrative and assessment process under LUPAA. The amendments propose changes to some of the current assessment processes in LUPAA which have been identified as essential improvements by the professional staff that operate and maintain the planning system. While some processes are being simplified, the rigorous and independent assessment processes that Tasmanians have come to expect are maintained.

The bill has been refined in response to consultation with a broad range of stakeholders including councils, state agencies and authorities, professional, industry, environmental and community groups and, importantly, the independent Tasmanian Planning Commission. These amendments deliver improvements to four areas of the planning system.



First, the changes to LUPAA improve processes for amending the state planning provisions which are the single set of planning rules that will apply across all of Tasmania under the new Tasmanian planning schemes and we will refer to them as SPPs - State Planning Provisions. It is important that legislative processes provide for the appropriate maintenance and review an amendment of the SPPs which are now operating in several parts of the state to ensure improvements can be delivered and that the provisions remain contemporary and responsive to emerging issues. The amendments, therefore, work to simplify processes for making minor amendments to the SPPs and introduce a process for making interim amendments to the SPPs similar to the current interim planning directive process.

The criteria specified in LUPAA for minor amendments to the SPPs encompass amendments ranging from simple typographical errors, to alignment with state policies. However, the current process for giving minor amendments effect is complex and can take up to six months. The changes proposed in this bill create a distinction between minor amendments that are simple corrections or updates, and those that clarify existing requirements or implement already approved policy changes in other instruments. The process for making simple corrections, such as fixing typographical or drafting errors in the SPPs, or updating references to legislation, is simplified by removing the need for broad consultation.

A simplified process is appropriate and commensurate with the scope of these minor amendments. For less straightforward minor amendments, such as those proposed to clarify or simplify the requirements in the SPPs without changing their policy intent, consultation with local councils and state agencies and authorities must occur. For all minor amendments of the SPPs, advice about whether or not the amendment meets the criteria must be sought from the independent Tasmanian Planning Commission. To improve transparency, the changes require the advice of the commission to the minister, and the minister's reasons for making the minor amendments, to be public.

The draft bill also introduces a process for making interim amendments to the SPPs, similar to the current interim planning directives process. Enabling interim amendments will mean that a proposed amendment to the SPPs can be brought into operation immediately and be operational while it continues through the assessment process is already laid out in the legislation. This is similar to the current interim planning directive process which has been used several times over recent years to enable immediate action on critical issues. Examples include introducing changes to the bushfire prone areas code and temporary housing provisions to planning schemes. Likewise, interim amendments of the SPPs will enable an immediate response to critical or significant planning issues such as updating and implementing important natural or environmental hazard management requirements. However, while the intent is the same, the bill introduces some key improvements on the interim planning directive process. Clear criteria will limit the circumstances in which an interim amendment of the SPPs may be considered.

An interim amendment must be necessary to urgently address issues relating to natural or environmental hazards, public health or safety matters, or any other matters that may be prescribed in future regulations. Furthermore it must be in the public interest to give effect to the amendment as soon as practicable. Unlike interim planning directives, before determining whether to make an interim amendment of the SPPs, consultation must occur with local councils and state agencies and authorities. Advice from the independent Tasmanian Planning Commission will also be required and this advice must be considered in determining whether to make an interim amendment of the SPPs. For transparency, the advice of the commission

and the minister's reason for making the interim amendment must be made publicly available. If made, an interim amendment will operate for 12 months unless it is deemed necessary to revoke it earlier, or the draft amendment on which it is based has come into effect to replace the interim amendment. The interim amendment process also enables the assessment of the actual amendment to be informed and improved by the experience of implementing it as an interim amendment.

Second, the changes to LUPA improve processes for finalising the local provisions schedules, which are each council's spatial application of the SPPs plus their locally unique planning rules as part of the Tasmanian Planning Scheme. Local provisions schedules will be referred to hereafter as LPSs. Changes proposed include amendments to processes for setting the date for the exhibition of an LPS, a new process for considering substantial modifications required by the commission, and enabling amendments to interim planning schemes to be included in the final LPS. These changes have been recommended by the independent planning commission to assist with finalising the LPS for each area. The current approach to setting a start date for exhibition for a draft LPS is not always long enough for councils to prepare and is not flexible enough to accommodate potential administrative delays. Based on the advice of the commission, the bill provides for a more flexible exhibition start date and up to 21 days for a council to prepare for exhibition. Following exhibition of and hearings into a draft LPS, the commission must decide whether modifications are required and whether any of those modifications are substantial enough to require further public exhibition.

At the moment any substantially modified parts of a draft LPS are subject to the same exhibition and assessment process as a newly-prepared draft LPS. That includes the full 60 days of exhibition. This additional process must be completed before the rest of the LPS, whether unmodified or with only minor modifications, can be approved. This process almost doubles the assessment time and delays bringing into effect perhaps 95 per cent of an LPS while the remaining 5 per cent is put through the process again. Recently the approval of the Meander Valley and Brighton draft LPS were held up for about 12 months while modified parts were prepared re-exhibited and assessed. The Central Coast and Glamorgan-Spring Bay draft LPS are currently going through this same process for a very small number of modifications to discreet areas within the municipalities.

The bill provides a fairer and more manageable process by allowing the commission to approve an LPS with any substantial modifications dealt with as the first draft amendment of the approved LPS. This process is an option that can only be used if the commission is satisfied that the LPS to be approved meets the LPS criteria and that it is suitable for the modifications to be made by an amendment to the approved LPS. Where this process is used it will bring the Tasmanian Planning Scheme into effect earlier whilst still allowing for substantial modifications to be finalised separately with the same level of assessment and public scrutiny. It will limit the uncertainty associated with having an interim planning scheme in effect and perhaps subject to further amendments, at the same time as an almost-approved LPS for a period which can last up to 12 months. It will result in more timely resolution of representations regarding non-substantial matters.

Opportunities for the public and government agencies to review and comment on the substantial modifications are retained through the normal LPS amendment process. There is no change to this process.

The last improvement this proposes to the LPS process is to enable the Commission to include certain amendments it has approved to the current interim planning scheme in the final LPS without putting them through a separate and second assessment process.

Throughout the assessment of a draft LPS, amendments to current interim planning schemes continue to be initiated by councils and assessed by the Commission. This dual process will continue up until the date of the draft LPS being approved.

While LUPAA provides for some amendments to interim planning schemes to carry through into the LPS, there is no clear process for the inclusion of zone or code amendments approved during the assessment of the draft LPS. Not including these changes could result in approved amendments needing to be resubmitted and reassessed as an amendment to the LPS after it is approved. This is unnecessary, inefficient and costly to all parties, including the Commission.

The third set of changes the bill proposes to LUPAA provides a fairer process for determining development applications during the transition to the new planning system. Currently LUPAA requires a planning authority to make a decision on a development application by reference to the planning scheme that is in effect at the time the decision is made, not that was in place when the development application was lodged. This approach could create confusion for the applicant and the community as well as complications for a planning authority if the planning scheme controls change mid-assessment.

The bill provides for a fairer approach by requiring a decision on a development application, as a general rule, to be made by reference to the planning scheme in effect, when the application was validly lodged. For those development applications lodged after the Commission has directed a council to modify an amendment or a draft LPS, the current LUPAA requirement is retained, that is, decisions are to be made by reference to the provisions of the planning scheme as if the modifications required by the Commission had come into effect.

However, a new seven-day transition period is also proposed for the planning authority to adjust its processes after the Commission gives a direction regarding an amendment for a draft LPS and again, importantly, these changes do not alter the degree of public, local government or state agency involvement in reviewing and commenting on development applications. Instead it provides a much fairer process for decision-making as the planning requirements do not change part-way through an assessment process.

Finally, the bill proposes changes to LUPAA to establish a specific process that enables parts of the SPPs to continue to have effect prior to the finalisation of the LPS. The SPPs were made in early 2017 after a comprehensive and open public process and assessment by the independent Tasmanian Planning Commission.

The SPPs deliver a number of improvements to the planning system. Since the making of the SPPs, there has been growing interest in bringing some elements into effect earlier, particularly given the comprehensive public engagement in and assessment of the remaining draft LPS before the Tasmanian Planning Scheme will have statewide effect.

I recently issued Interim Planning Directive No.4 on the recommendation of the independent committee. The Interim Planning Directive improved consistency across the planning system by bringing parts of the SPPs into effect through the remaining interim

planning schemes. Those SPPs brought into effect through IPD4 include some of the administrative and general provisions such as exemptions and the requirements for dwellings in the general residential and inner residential zone.

Again, these provisions are already approved and operating in several parts of the state as part of the Tasmanian Planning Scheme. Draft planning directives from which interim planning directives are derived need to be publicly exhibited and assessed by the commission. However, in this instance the process would require a duplicate assessment of the SPPs, which is inefficient and costly for the community, industry and local and state governments.

The SPPs have already been subjected to public exhibition and independent review by the commission and were approved in February 2017. This bill removes the need to assess a draft planning directive specifically related to these components of the SPPs as this process has already occurred. Consequently, the proposed change does not alter the degree of public local government or state agency involvement, as consultation and a determination on the SPPs have already occurred. If there are concerns with the SPPs themselves, these can be addressed through the statutory review processes that are already required by legislation, including the five-yearly review which is scheduled to commence in early 2022.

This bill proposes some simple but significant amendments. With the Tasmanian Planning Scheme in effect in several local government areas and all but two of the LPSs lodged for assessment some months ago, we have found a number of ways to improve the process. The amendments in this bill also work to enable the planning system to respond to urgent or emerging planning issues and new information to simplify and bring more certainty to development assessment processes during the transition to the new system and ensure the transition is fair and orderly.

I commend this bill to the House.

[5.21 p.m.]

**Ms DOW** (Braddon - Deputy Leader of the Opposition) - Mr Speaker, I would like to begin by thanking the minister's staff for the briefing that was initially on the interim planning directive and this bill prior to the election and again yesterday following the conclusion of the election.

I understand that this bill has been developed to address some of the issues the commission and professionals have raised in relation to the transition to the new statewide planning scheme, which this Government incidentally promised to deliver seven years ago and we are still waiting.

I understand that those amendments include improved processes for making amendments to the SPPs in the Tasmanian Planning Scheme to ensure they remain efficient and responsive to planning issues, improved processes for finalising LPSs and implementation of the Tasmanian Planning Scheme across the state, a fairer process for determining development applications during the transition to the Tasmanian Planning Scheme, meaning that a development application is assessed against the planning requirements at the time of lodgement instead of the date of the decision, and allowing for the early implementation of parts of the state planning provisions through interim planning schemes without the need for costly and time-consuming reassessment.

It is important to note that there was good consultation undertaken on this bill, in contrast to interim planning directive 4, and I understand that the local government sector is much more satisfied with the way consultation was undertaken for this bill in contrast to the process that was undertaken around consultation for IPD4, so that is positive. I also note, though, that the briefing paper that has been developed by the Department of Justice makes reference to submissions that were made against this bill raising concerns and issues that I think would have been important for us to have an understanding of.

In other situations that information is provided. A number of stakeholders have provided their submissions to us, but it would nonetheless have been a much better process to have that available for us. Obviously this bill needs to go to the upper House and there is still time for that to be provided for greater scrutiny in the upper House as we have not had the opportunity to do that.

Looking at LGAT's submission, one of the things we have spoken about a lot in this place is the need for plain English in planning legislation and around the accessibility to the planning system and the information that is provided to the public. That really does need to improve. Planning is complex language. You can see from this bill that it is pretty intricate and complicated with lots and lots of detail and for people who do not have any experience with planning it is very difficult to understand or translate what it actually means for you, so it would be good to have more communication tools in the community to provide more easily understandable information to the community about planning more generally across Tasmania.

There have been concerns with us around the fact that there is a feeling that the changes, particularly around local provision schedules might fast-track that and cut out community consultation, particularly around more substantial modifications. I ask that the minister provide clarity on that to the House when he sums up and rules out that the community will not be able to have a say in that part of the process, because that is very important and I will raise a particular example of that later in my contribution.

The other concerns that have been raised around the SPPs through the interim planning schemes is around conflicts between the interim scheme and SPPs and that will be overridden by the SPPs without public consultation and council consultation.

I was interested when you were speaking before, minister, around the fact the SPPs were consulted on and developed in 2017, which is some period of time ago and of course things have changed quite a lot in Tasmania over that time. Whilst it is good to see that there will be a five-year review, I think that was one of the issues that was raised around the interim planning directive 4 and the fact that that consultation had occurred, albeit some time ago and there should have been consultation with local government in particular around the changes that may have occurred in the time that has elapsed between that community consultation.

I would like you to explain in relation to the SPPs the public consultation associated with that and council consultation. How you have addressed that concern about that being omitted as part of that process in the bill?

I would like to put on the record that communication about the changes outlined in this bill will be very important and through these processes the Government should not be restricting public exhibition of draft LPSs or other documents or comment or feedback from local government. You state that will not be the case, minister, and obviously I acknowledge

the continuing and important role of local government and their input and consultation with local government around the number of the changes that are proposed through this legislation and the amendments and it would be great if you could outline to us how that continuous dialogue and consultation with local government will be maintained through the individual implementation of each of the amendments in the bill.

There is also some concern about the additional powers in the amendments to the minister around initiating amendments to the IPS and the SPPs and that they avoid their requirement for consultation, and I would like you to outline the role of the commission in this process and how you would address those concerns.

I understand that clause 8 about the preparation of minor amendments of SPPs will be welcomed by the local government sector because it has caused significant delays, and that there are clear criteria in the legislation related to this, with broad consultation being removed from this which I understand will be welcomed by the local government sector.

When it comes to local provisions schedules, we believe the Government has not actively encouraged the community to be involved in the development of the draft LPSs and there should have been a greater focus on this by the state Government working in partnership with the local government sector, providing greater support and resource.

We think communities deserve to be better informed about planning in their communities; it is incredibly important. It is too late when a change takes place that affects them personally or their private property. This can cause frustration with local councils and contributes to the malaise and dissatisfaction with planning across the state. This is also relevant when we discuss the importance of how information about planning changes are communicated to communities and the language and communication methods we use. As I said before, a good example of that was around IPD4 and the way that process was undertaken.

I understand that the improved processes outlined in the bill for finalising local provision schedules were requested by the TPC and we think over the course of the last few years the TPC should have been better resourced by the Government to do this work along with the Planning and Policy Unit. We know that this lack of resource has caused delays in notification from the TPC around the exhibition, the okay or the go-ahead to exhibit local provision schedules for councils.

I also understand that the changes enable more flexible exhibition start dates, less duplication and look to avoid delays over minor amendments and I think that will be welcomed. As I said at the beginning of my contribution, I do note that there are concerns about changes to community input, scrutiny and fast-tracking, and I would like you to rule that out.

I want to read a segment now from the briefing paper and it is related to the revised process for considering substantial modifications to LPSs and this relates directly to a concern that has been raised with us. It states that following exhibition of hearings into a draft LPS, the commission must decide whether notifications are required and whether any of these modifications are substantial enough to require further public exhibition. I would like the minister to provide an example of a minor modification that would not warrant public exhibition, please.

The current process effectively places the entire LPS approval on hold while what is often a small number of modifications are subjected to the same assessment and public exhibition process as a newly prepared draft and LPS including 60 days of exhibition. This process must be completed before the entire request can be approved and the current processes unnecessarily delay the approval of LPSs, some by around 12 months, while a few discreet parts are subject to further public scrutiny.

To date, the substantial modifications directed by the commission have included revised zoning of a few specific titles or area and your significant revised area plans covering a range of issues such a protecting local character, scenic environmental values, protecting existing regionally significant industrial sites and the delivery of specific housing types. These substantially modified parts of the draft LPSs were directed for exhibition on the grounds that there may be broader public interest beyond those directly involved in the initial public hearing process. The proposed amendments to the LUPA act will not change the opportunity for and extend a public scrutiny of these modifications.

Minister, one of the examples that has been provided to us as an area of concern is in relation to a development such as Cambria Green and the question is could this process be used to obtain new zoning to allow for this development and would that be without any community input or public exhibition. I would like you to clarify that please.

Planning reform has been significantly delayed under this government. Planning reform has been a huge workload for councils, the PPU and TPC and one questions whether or not the PPU and TPC has been adequately resourced by government to undertake this huge workload, particularly when it comes to resourcing the assessment and completion of the LPSs. I understand through my consultation that the review of the regional land use strategies and the development of the Tasmanian planning policies will occur after the completion of the LPSs and that more resourcing would enable this work to be done alongside and not delay the introduction of the statewide scheme and overall planning reform across this state.

Our economic growth should not be held back by this government's lack of investment in planning. We still have no further progress on the review of the TPC and its recommendations, and I would ask that the minister provide an update in his summary today on progress of implementation of these recommendations. Seven years ago, the Liberals promised to fix planning in Tasmania and seven years on we still do not have a statewide planning scheme or completed planning reform. Effective strategic land use planning has been missing in action for some time in Tasmania. This government has failed to plan for and invest in future growth of Tasmania. That is why we have a housing crisis, why Tasmanians are stuck in traffic, and why they have failed to plan for growth across Tasmania.

Our regional land use strategy is out of date and holding back urban growth and we still do not have planning policies and it is contributing to housing supply shortages and land supply shortages. Priorities should be given to reviewing and updating these documents and developing planning policies. It should have been done years ago. Instead we have been focusing on regulation. Local Government reports planning fatigue and they are sick of being blamed for the slow progression of the move to the statewide planning scheme when they could have been supported much better by the state government. This has also compounded by a shortage of planners across the state. I have spoken before in this place about the proposal put forward by LGAT to create regional planning hubs and critical masses of planning professionals whose skills and expertise could be drawn on by regional councils and who could

assist with the review of regional land use strategies across the state. It is a very sensible proposal. I am not sure why the government has not worked with the Local Government Association to make it happen. We did support it at the last election as we did the planning work being done at the Cradle Coast Authority.

What you end up with is this piecemeal approach to planning reform with amendments and delays.

We support the amendments related to a fairer process for determining development applications during the transition to the Tasmanian Planning Scheme, meaning that development applications are assessed against the planning requirements at the time of the lodgement instead of the date of decision. This amendment will provide clarity and certainty to proponents and I am aware of the issues proponents have experienced without this transitional amendment.

In summing up, there has been too much focus on regulation, which is ironic when this Government prides itself on the removal of red tape. Our policy at the state election focused on investment in the Policy and Planning Unit and the Tasmanian Planning Commission to give them the resources required to do this work. There has been not enough focus on contemporary and effective land use planning across Tasmania and this Government has not worked with Tasmanian communities and industries in setting a vision or a set of policies and guidelines to guide and plan for Tasmania's future development.

This leads to community conflict about development. Tasmanians deserve to have their say in how they want their community to look and grow. The Government has not adequately funded planning reform across the state and has not achieved their goal of making Tasmania's planning system faster, fairer, simpler and cheaper.

I would like clear answers to my questions that I have put on the record this evening and I understand the nature of the time lines associated with this legislation, but I also understand that the upper House will want further information if these questions are not answered here in the lower House. Overall, as I have said in many contributions, communication about planning and planning reform needs to improve across Tasmania.

[5.36 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, I will start by thanking the staff for the lengthy briefing we had yesterday and their expansiveness in answering the questions I put to them about this very important bill.

I make the point in passing, which I mentioned to Planning staff, that the process of consultation that was undertaken for this draft bill is called targeted consultation. I do not have a view about whether that is necessarily a bad thing to select the kind of key stakeholders, especially if the key community and local government voices are all included in that, but I am concerned that as an elected member who is speaking on this bill, I do not have an ability to look at the submissions that were made to that targeted consultation process. Where bodies made submissions, because it was a targeted consultation process, the argument that was put to me was that they would not be put up on the website because the submitters were not told that was going to happen.



I put to the minister that the targeted consultation process on a bill, not on a piece of planning policy, particularly needs to have submissions that are made to that are put up and made publicly available. It is very important that utter transparency is operating in the area of planning legislation reform. If people do not want to have their submissions made publicly available, it is their right to ask for them to remain anonymous, as is the case anyway. I ask the minister to look at changing that process in future so that everybody can read the comments other people have made about planning reform.

Planning evokes very strong emotions in a number of people in the community and a complete absence of interest in many others. It is fair to say that most people really are happier to leave it to the task of planning officers in councils and people such as those in the Chamber today to make these decisions, but for people who know and are attentive, people who think about the future and people who have confronted the experience of putting a development application in and coming up against some hard realities and difficult bureaucratic processes, some tortuous practices and administrative rules, these all of a sudden can become really enormous and emotional matters.

Some people make it their lifetime interest to continue to be attentive to planning law changes, and good on them. That is because many of us want the environment that we live in to be as beautiful, diverse and lovely to grow up in and have families and life interests in not just in our lives but for the future lives, and we value the character of the cities and towns in Tasmania. We love our rural areas because they are rural and there is not ribbon development. We love our wild places because they have not been spoiled by private developments and in a world that is shrinking evermore because of the numbers of people on the planet and the level of development, we have a real treasure in Tasmania that is rare and valuable. People appreciate that and they rely on their governments, local and state, to make decisions for the future that are well integrated and consider the natural, Aboriginal and colonial values and of course the living environment planning laws for towns and cities.

All of that comes down to the fundamental principle that communities should have the ability to decide the character of their own place and to protect their public open space and heritage. I want to commend the community groups and the stakeholders who have put submissions in. I want to thank them for their passion, concern and attention to these matters of character and integrity. Planning Matters Alliance Tasmania has almost 70 groups in their alliance and thousands of members who are committed to transparency in planning, to visionary and strategic planning and to making sure that the public can be involved in how land is used. They had a number of concerns about the bill and felt it was a rushed process, despite the fact it was considered by some to be a fulsome consultation process. PMAT argue, and I am with them, that we should not be holding consultation processes like this over Christmas. It is not good enough in Tasmania when things get dumped over the holiday season for people in the community to mount a response to an amazingly complex piece of legislation.

Everyone in this room would agree planning legislation in Tasmania is a bit of a dog. It is okay for those of us who are paid to look at it, but people who were planning to go on holidays are really devastated when these consultation processes happen over that time. There is no reason for that to happen. There is absolutely no reason why we should not have a two-week ban in Tasmania - other jurisdictions have it - for councils and state governments introducing planning applications over that period of time.

Planning Matters Alliance had some general concerns about the increase in ministerial powers that this LUPAA amendment bill seeks to enshrine. Their view was that streamlining parts of the act are possibly justified and I certainly heard some good arguments from the planning staff about some minor amendments that have to do with typographical changes and the enormity of synchronising bills that are about the Tasmanian Planning Scheme of around 500 pages with other parts of the planning system. There is no doubt that those sorts of things ought not waste time in public consultation and so on, but the overall impact of the changes being proposed will be to increase the say of the minister and the government of the day. Let us be honest, it will increase the say of the development lobby who have, from the beginning in the Tasmanian Planning Scheme -

**Members** interjecting.

**Dr WOODRUFF** - Well, minister, let us get back to the way things work in Tasmania when you have two parties, the Liberal and the Labor Party, that receive donations from development bodies. It is concerning when additional powers go to the minister without them having to go for public consultation, without them having to go to the Planning Commission, and without the opportunity for appeal. That is a fact.

It is a fact that the conversations that the Government has had, the push for the way the Tasmanian Planning Scheme has been developed from the beginning in 2014-15, from the very first day that Mary Massina, who was the head of the development lobby, was put into the position of working to rewrite the single planning scheme - you people are rightly sceptical about the level of influence of development interests on the creation of our planning laws in Tasmania. As a matter of principle, it is always important to be concerned and scrutinise closely anything that gives the minister more powers.

It is to the detriment of strategic planning, and ultimately of liveability in neighbourhoods and communities, if we have specific interests being pushed, rather than the overall strategic future planning for Tasmania being put first. We always hear a lot from the Government about the importance of efficiency and simplification, but we also have, on the record, an under-resourced local government sector who have never been given the resources that have really been needed to roll out the Tasmanian Planning Scheme in the quickest way possible.

From the very beginning, we heard from planning staff in councils that there was an enormous task of working on the SPPs and LPSs, and it was all on top of the load they already had. It has been from this Government a pretty uncooperative relationship with local government, and as we have seen a number of times, a secretive approach to the planning reform process.

That is the backdrop for this bill, and the basis for people asking reasonable questions of a planning bill from this Government. With the Tasmanian Planning Scheme, people were concerned from the beginning that incredibly important parts which ought to be integrated into planning have been split off - fire safety, stormwater, affordable housing and parking. That is extremely short-sighted.

It is also extremely short-sighted that, despite all the talk, here we are, seven years after the Liberals came to government, and we have not had a single new statewide planning policy delivered, at a time where we are having an enormous wave of people who are moving to

Tasmania, and huge pressures on parts of the state from changing weather patterns, drying areas, and areas of dramatic and escalating coastal erosion in parts of my electorate, Franklin.

No essential planning on the really important matters about settlement, population and climate change planning policy for the whole state. In that space, people have the right to ask those questions.

I want to make some specific comments about the bill, and reflect on a number of comments made by the Environmental Defenders Office in their submission. Thanks to the Environmental Defenders Office, who do so much good work in this space on behalf of people in the community. They make a general comment that they are supportive of a number of proposed amendments in the act, but are also concerned that some will deliver greater discretion to the minister and make changes to the statewide planning provisions and interim schemes without public consultation, and also would limit public consultation to the draft local provision schedules.

The minor and urgent amendment processes provide the minister with too much discretion to make changes to the statewide planning provisions, and fail to adopt the appropriate checks and balances that are needed on these increasing and significant powers - specifically in relation to the proposed new process for minor amendments.

The minor amendment criteria that are being proposed are so broad that many potential significant amendments to the statewide planning provisions could fall within the category of a minor amendment.

For example, it is arguable that simplifying the SPPs - which is 30NA(1)(a)(iii) - could include anything from the deletion of a single word or a clause in a zone, to the deletion of an entire code. In either case, those changes could possibly have substantial - even, they say, drastic - land use planning consequences, and as they have seen in many planning appeals, sometimes entire developments hang on the interpretation of a single word or a clause. They are proposing that in these matters an abundance of caution is warranted.

When they are introduced to bring the statewide planning provisions into conformity with the state policy, the amendments to the statewide planning provisions in Part 6 should be -

that are being considered minor

However, because we do not know the content of the state policies, and although they have been discussed in general terms, we do not have the detail of what state policies are, and that clause can provide a potentially broad basis for sweeping changes to the SPPs that could be treated as minor. I would value the views of the planning staff on whether that is a prospect.

They make the point that the form of provisions, which is how it is discussed in Part 8, 30NA(1)(a)(viii):

changing provisions of the SPPs that indicate or specify the structure to which an LPS is to conform or the form that a provision of an LPS is to take

That the form be classified as a minor amendment. The form of a provision under LPSs may include, for example, specific area plans, particular purpose zones, or site-specific

qualifications. Changes to the SPPs that regulate the form of these provisions can significantly impact on planning outcomes for areas that the local community has indicated a great deal of interest in achieving.

While that is considered to be a minor amendment, it seems that the form of an LPS can include what appears to be some rather major issues.

Part 9, under the definition of a minor amendment to the SPPs, provides for a prescribed purpose that could also be considered minor, but there have not been any purposes prescribed under the regulations in relation to this, so it seems that this provision could provide an almost boundless opportunity for the government to prescribe circumstances where amendments to the statewide planning provisions do not need to undergo any public exhibition, or scrutiny of the Tasmanian Planning Commission. It is a bit of a wide catch-all since it gives an opportunity for the minister to create regulations that apparently would not then need to have public scrutiny.

There are also proposed separate processes for urgent amendments and there has not been a reason provided for why minor amendments would be rushed through without proper scrutiny and consideration by planning experts, in this case the Tasmanian Planning Commission. In regards to the new processes for urgent interim amendments, subdivision 3B of Division 2 in the bill sets out a new process for making interim amendments to the SPPs. It states that there is currently no process to make urgent amendments to the SPPs. In the bill an interim amendment to SPPs can be made at the minister's instigation, even in the case that the Tasmanian Planning Commission advice has been that a draft amendment should not be made on an interim basis.

I would like the minister's advice to the House on whether that is true - that the minister can make an interim amendment to the SPPs even when the Tasmanian Planning Commission advice has been that the draft amendment should not be made on an interim basis.

Unlike with interim planning directives, before the minister can make an interim amendment to the SPPs, the minister has to be satisfied if it is necessary or desirable to address a situation that is urgent, critical, significant, and whether it is in the public interest to do so. It is a very good point that these tests are meant to impose a check on the minister's power to make an interim amendment but there is no definition in the bill around what a critical or significant planning issue is and there is no guidance on how the minister would assess the public interest in the making of an interim amendment. Because an interim amendment could be in place for up to 12 months, it is possible to see that there could be very long-lasting and real impacts on the natural environment or built environment, depending on what the interim amendment has been seeking to enable.

The example the EDO provides is if there were interim changes made to allow broad-scale land clearing without a permit for the purposes of bushfire mitigation, there would be possibly 12 months of large-scale vegetation clearing around the state before the Tasmanian Planning Commissioner has the opportunity to consider and report on the substantive draft amendment to the SPPs. That seems an extreme example but if you remember, the government's Bushfire Mitigation Measures Bill was widely decried as an appalling approach to bushfire mitigation management by the Local Government Association, conservation groups and the bushfire service. This was the government's approach to try and manage bushfire mitigation measures. It was a heavy hand. It was probably cooked up in DPAC. I am pretty

confident that it did not have anyone in the Tasmania Fire Service driving the process. That is what we have come to understand. It definitely did not have any good consultation with the local councils, who will be the meat in the sandwich between landowners and the heavy hand of regulatory laws requiring clearing to occur, so what we ended up with is a bill which we do not know where that has gone, an exposure bill that has gone. I hope it has gone very far away, possibly never to reappear, and hopefully the Government would have understood that you cannot just shoot from the hip on these things. You have to have a very considered, cooperative, collaborative approach to solve complex issues.

I wanted to draw the House's attention to that matter, which was essentially an attempt to deal with the serious hazard of bushfires. We all want to have an appropriate mitigation of bushfire risk. It is a very high risk but it has to be done carefully. LGAT made the point that it is essential that regulations and guidelines meet the objectives of the bushfire bill and complement and build on the existing bushfire mitigation framework and to do that, any bill must support strategic fire planning and not shift the focus to a more ad hoc landowner-driven property approach. It must link with the state vegetation fire management plan and the strategic fire management risk undertaken by fire area management committees. It must clearly articulate how a bushfire mitigation bill will meet its stated objective in relation to natural and cultural heritage and it must ensure the legislation is not misused by landowners to further aims other than fire mitigation.

I will not go any further into that bill except to say it is a really good case in point. This is what happens when you have something that is centrally developed without proper consultation ostensibly to deal with a serious public safety threat, bushfires. Everyone in Tasmania wants that to be dealt with well, but this is a poor approach to planning and managing risk.

The concern I have with the bill before us is that it also provides an opportunity for the minister to make an interim amendment on a matter of urgent, critical or significant planning issues and if it is in the public interest to do so. We want to have some really good checks and balances on things like that because it can have very poor unintended consequences that we might regret. You can always beat up the populist 'Rah, rah, we've got action, we've got to act now', but there has to be an opportunity to make sure that as many voices as possible are involved in making an action which does not go through the normal processes.

If there is to be this interim amendment process, there has to be proper checks and balances on a minister's power, for example by restricting the use of the circumstances where the Tasmanian Planning Commission has recommended a draft amendment be implemented on an interim basis. There has to be some guidelines developed to clarify what we mean by critical, what we mean by significant planning issues, and those things need to happen before such a power is created.

Looking at the time, I can see that I will have to hold some of these other comments over to the committee stage of the bill.

There have been a few things already said about the Local Provisions Schedule process and where the TPC is considering a draft Local Provisions Schedule and it directs a council to make a substantial modification to the draft, the modification will be made as an amendment to the LPS and the remainder of the LPS would be finalised and given effect. A substantial modification to an LPS could include changes to the zoning of a particular area of land or a

change to the application of particular codes to land. As the name suggests, substantial modifications to LPSs can have significant impacts not just on the rights of the landowners themselves but also on the rights of interests of neighbouring properties and in some cases the community more generally.

The current process we have gives the public an opportunity to comment on substantial modifications that are proposed in the draft LPS. The current amendments provide an opportunity for public comment on a substantial modification but the opportunity to comment will be after the substantial modification and the underlying LPS have been given effect.

**Mr Jaensch** - No.

**Dr WOODRUFF** - It would great if you could correct that because the concern is that the proposed changes assume that once the Planning Commission has directed a council to make a substantial modification to an LPS it is unlikely that the substantial modification will change after public comment and the TPC hearings on the modification. There is an assumption that it will not change. We had this conversation in part in the briefing, but I think these are valid concerns that need to be aired.

I am going to complete my contribution by saying there is an incredibly strong interest in bringing the planning scheme into effect soon and some additional resources to councils and to assist the community in the draft LPS process would be very helpful to make that happen.

**Time expired.**

[6.07 p.m.]

**Mr WINTER** (Franklin) - Mr Speaker, this bill makes the broken planning scheme system slightly less horrendous and that is a good thing. The minister was not a minister when this started but he is now and it is his job to try to fix it. As I said, this bill makes a broken system which I have been unfortunate enough to have to deal with slightly better, but it seems like the entire strategic planning workforce of Tasmania is currently tied up in the transfer of the interim planning schemes to the new schemes.

As my fellow member for Franklin was saying, councils of course do need resources but it is not just a matter of money, it is a matter of councils that simply cannot find people with the right skills to do strategic planning at the moment because they are all tied up in this onerous process that has been going for seven years now.

We remember what the slogan was, at least I do - it was faster, fairer, simpler, cheaper. What a slogan it was. It hit all the marks that a Liberal opposition might want to hit to the development industry and said they were going to fix it. I remember the government at the time saying you cannot actually do what you are saying you are going to do but they said, no, we will push on, we will fix it this way and we will have this single statewide planning scheme in place.

I have looked for evidence of the time line that was set out for it but I cannot find it. I am sure it exists somewhere and I will keep looking but I am sure it was within seven years but it is still not there. I have heard the minister say that we will have all the statewide schemes in place by the end of this year. I think it is an ambitious target.

**Mr Jaensch** - We are ambitious people. Ambitious for Tasmania. You are too.

**Mr WINTER** - Well, that is fantastic. We love ambition and as Gunner would say, he is ambitious for you. I am ambitious for the minister to try to get these things through faster but the minister decided that this planning scheme was not fast enough for him when it came to Huntingfield. He decided his own planning system was not fast enough and he would have to fast-track it through and that started over two years ago now. He was going to fast-track to get those 500 homes built at Huntingfield. We are still waiting. I think the development applications have been lodged but of course -

**Mr Jaensch** - I think we're waiting for you.

**Mr WINTER** - I do not believe so. Last I checked the development application had finally been lodged and this is well over two years ago, so perhaps it is, after all, the planning scheme that the minister for Planning is in charge of and was unable handle even as the minister for housing and that is why we still do not have any homes at Huntingfield. It is about time planning reform - at least this part of it - was finally completed and as I said, I will be very pleased when this process is finally finished because that will mean we will actually get down to the arguably as important issue of land use planning and of updating the regional planning strategies that are now terribly out of date.

Faster planning scheme, the word was a fairer planning scheme; now I still do not know what was unfair about the old planning scheme, but apparently this new one is fairer.

**Dr Woodruff** - It was very unfair to developers, big developers.

**Mr WINTER** - Is that what it was? If you want an expose on why this new planning scheme is not simple, listen to the second reading speech. For anyone who was not in local government or not in this place, I have no idea how you would make head nor tail of the explanation of what this bill actually does. The planning scheme is so complicated that a mum or dad or someone who wants to build their own home, how can they possibly handle this planning scheme at the moment? It is getting harder harder and the frustration for builders and for people who want to build their own homes, they need to bring in more and more experts just to deal with the planning scheme that has become so convoluted and difficult.

As an aside, the old planning scheme was that big and new planning scheme is four times as thick, so, you can see the simplification in the size of it, of course.

Cheaper. It is not cheaper at all. Due to the complicated nature of it, planning is becoming more and more expensive for local government. What does local government have to do when planning becomes more expensive? They have to increase development fees, which again makes it more expensive for people to build their own home, to actually get a home. Hugely expensive and difficult for people to get into the market.

I understood, particularly during what is a housing crisis, that what we are trying to do is to build more homes, more affordable homes, and make it easier for mums and dads and families to actually get into their own home. We're still waiting for the planning reform to happen. We are dealing with more expensive development applications, a more complicated system, a system that is not fast at all.

As I said, I'm not sure if it was fair before or unfair now. I do not see any drastic changes as a result of the policy or the slogan, I should say. What was taken to that 2014 election was not a policy, it was a slogan. It was an idea that we could fast track development into a simple slogan and that everything would be fixed and seven years later, nothing is fixed; it is more complicated, it is worse and there is no end in sight.

The issue when we talk about housing, and we often talk about aspects of housing and the housing shortage and the housing crisis that we are in, we have heard it dissected by parliamentarians, by bureaucrats, non-government organisations, think tanks, academics. We have seen a whole raft of short-term solutions put forward, like reducing short stay accommodation, so-called fast track re-zoning processes that were supposed to bring 500 homes on line and even rent caps have been considered by people in this place.

They are all short-term solutions, but what is not talked about enough regarding the housing crisis is the planning problem that has been brought on by seven years of failed planning reform.

This has to be the biggest issue when it comes to housing. In particular in the long term, if we do not fix the planning system very soon, then the housing crisis will continue to get worse. We only have six councils out of 29 that are currently using the so-called statewide planning scheme. Of course, it will not be a single statewide planning scheme, it will 29 of them, and there lies the problem with having a policy that is just a slogan.

It is a cautionary tale for oppositions anywhere. You want to make sure you have policies that are actually able to be implemented and that are not just slogans, as we saw and certainly I look forward to working with our shadow minister to make sure that at the next election Labor takes a very compelling alternative planning policy to the Tasmanian people.

[6.15 p.m.]

**Mr JAENSCH** (Braddon - Minister for Local Government and Planning) - Mr Speaker, I thank members who have made contributions and who have taken the opportunity of the briefing and familiarised yourselves with a complex set of information again. We have had it available previously, as you have noted. It has been slightly updated in time. It is important.

I thank you very much for addressing yourselves to this and being prepared to come along with constructive questions, as well as your generous commentary on the state of planning in general. There are some consistent themes about what I sense has been expressed, public interest in the process, minister's powers versus accessibility of public to the process. I will just quickly recap on some of the design features in here that mitigate that.

First, the amendments to the SPPs. We are talking in this bill about minor amendments and interim amendments only, the minor ones being about simple corrections that do not go to the policy intent of the matter. They are not matters in which there would be a likely public interest, more to the fact of making things workable especially at this stage, as the SPPs are coming into use for the first time. We have them in six municipalities now. Burnie was first, Kingborough not there yet, but hopeful.

As these tools come into use, the people who are using them discover things about them that need a bit of tweaking to make them work. They are not due to be reviewed yet, but as of next year they will be. That will allow for there to be more comprehensive changes made to



them and their policy intent through a full process at that time. In the meantime, we are looking at simple corrections and clarifications that allow the existing SPPs to do their job more efficiently and to be applied more consistently. Importantly, with all these minor amendments, all minor amendments, be they the simplest of corrections, like typos or others that are about clarification or simplification without changing policy intent, for all of them advice must be sought from the Tasmanian Planning Commission. In the interests of transparency, the changes require that that advice from the Commission and the minister's reasons for making any changes, are published.

There is transparency of the process and the reasons. There is independent specialist advice from the TPC, the authority on these matters. There is a rule that these only apply where there is no change to the policy intent, but rather improvements to make it work the way it was meant to, or where a problem has been found or an error made in the creation. So the public's interest is served by being able to see what changes have been made and why. But the public's interest is also served by the machinery of planning working as it was intended to, which may have been held up by errors in the drafting or maybe different interpretations of how things have applied.

In the case of interim amendments to the SPPs, page 12 of the bill - Dr Woodruff, this was of particular interest to you - provides the criteria that limit the circumstances in which interim amendments to SPPs can be considered and they go to urgency, the public interest in the matter with regard to environmental hazards, public health or safety matters, et cetera. This is a new insertion which came about through the consultation. It was raised through the consultation that there needed to be criteria or reasons laid out in the legislation for when an interim amendment can be considered necessary.

This, we note, does not exist for interim planning directives already in the legislation. This is a change to ensure again, more reasons, more public rationale being shared and made available as to why these changes might be made. Also in this case, as before, the advice from the independent Tasmanian Planning Commission will be required and it must be considered in determining whether to make an interim amendment of the SPPs. The advice of the commission and the minister's reasons for making the amendment must be publicly available. So, again, there is that transparency and a process guided by criteria that are laid out in the bill, in the act, and advice from the commission behind that power to initiate an interim as well so there is public interest served there.

The third area that I wanted to touch on - and I think Dr Woodruff raised it - was common to the other contributions regarding the public's access to the process and any changes that have been made, particularly in favour of the minister's powers, et cetera. This is the area of substantial modifications to the LPS and those LPS process improvements. My understanding is that the determination of when substantial modifications to a draft LPS are required and what they are, is a decision made by the TPC, it is not by the minister.

The effect of what we have in the bill is that when you have an entire LPS and there are a couple of small matters in which the TPC has directed that there be substantial modifications made, they are substantial by virtue of being in the public interest as opposed to being minor or inconsequential and that rather than hold up the whole LPS from all the rest of which is improved, passing into becoming the new planning scheme until you have gone around the block again on those tiny bits, that you set them aside, effectively approve the rest and let it become the planning scheme and then go through the full public process regarding those

specific modifications themselves. There is the same amount of public involvement, scrutiny, assessment, decision-making and approval for all the parts. It is just that rather than hold up the whole for the sake of a small part, you set that aside and deal with it separately as an amendment to the approved LPS at the other end. It is a sequencing issue rather than the creation of any new power or removal of any public access to the process. The effect of it will be that we can save months and months from an individual local government area being able to make this transition out of its interim planning scheme into a functioning new scheme as part of the statewide scheme using the same SPPs as everybody else, while these minor matters are given their proper consideration rather than holding the whole thing up.

That goes to the issue raised by at least two Labor speakers, that we need to get to end of this and we need to get out of the in-between stage of planning reform so that we have that clarity and we can realise those benefits of the statewide scheme being properly statewide and get the benefits of that into place for people more quickly.

**Dr Woodruff** - What are they? What are the benefits that are different from what we have got now?

**Mr JAENSCH** - By having the same rules for the same thing, wherever they occur, and the ability, for example, of having planning staff who we know are not thick on the ground and we often have absences of planning staff or inexperienced planning staff acting in the role.

When we have the same planning rules everywhere, any planner will be able to sit down at any planning scheme in the state and the controls will be the same. The interpretations will be the same and the advice to councils and applicants can be the same because there is a consistency of what the rules are, the interpretation of how they work and what will grow from that is a greater ability for people to know what to expect from their planning scheme. With more certainty for councils in applying their planning scheme and making decisions is how it becomes fairer. That is how people know what to do and there is also, among the provisions - compared to many of the schemes that are being replaced - far more cases where there will not need to be a planning permit issued for developments that fit with what the planning scheme determines for those areas. A standard development in an area zoned for that type of development that meets all the requirements, does not need to go through as many passes through decision-making, fee-paying and permit-issuing as they have in the past.

They are some of the changes that make it cheaper, quicker and simpler as well. They are the benefits of the statewide planning scheme that we are seeking to bring into effect.

Ms Dow, there were a lot of questions. I wrote as quickly as I could and I have tried to address the main themes regarding the public's access to the process, fast-track or otherwise, but I would be happy for you to identify for me while I am on my feet, if the Speaker will turn a blind eye, if there are specific other matters that I have not covered from your questions.

**Ms Dow** - That last point, through you, Mr Speaker, that you made around the amendments with the LPSs, it is actually the substantial ones that are the concerns. At the end of your summing up, you spoke about how there will be some that will be set aside and the issue is that people want to understand and have confidence that they will be those substantial things around rezoning, changes to titles and that they will have the opportunity to have a say about how that would change the character of where they live.

**Mr JAENSCH** - There is no change to who makes decisions, how they make decisions and who can be involved and gets a say, from what there is now. We are just changing the sequence so that in a municipality like Central Coast, I understand we got to a situation where there were four or five parcels of land which on reviewing the public input, the submissions made after the exhibition of the draft LPS, that the planning commission determined that the draft LPS needed to have substantial modifications, defined as being modifications where there is an element of public interest in them, even though they applied to only four or five parcels of land in the whole municipality. As a result of the way the bill is currently written, there is no option but that the whole process stops while those parts are modified and then re-exhibited through the whole process.

**Dr Woodruff** - We still have an interim planning scheme in place. It is not like there is nothing there.

**Mr JAENSCH** - We are talking about the drawn-out nature of the planning reforms. This could add six months to that process. If that is repeated in multiple municipalities, Glamorgan Spring Bay, Meander Valley, Brighton, we are held up for around 12 months. This is what we are doing here - a housekeeping process to avoid delay, which adds work and time and cost without delivering any benefit. We get it out and we enable nearly all of the draft LPS, which has been exhibited, assessed and approved, to become the new planning scheme for that area, then deal with the outstanding matter as an amendment to that. But give it the time it needs to fully assess and approve, consult and give everyone a fair say, then change the balance rather than hold the whole thing up for the sake of those small parcels.

**Ms Dow** - Mr Speaker, the example that was given was the Cambria Green development, with concerns about the community input or public exhibition through this process being diminished, with that being a substantial amendment. It would be good to have you on the record ruling that out - that it is not the case the community would be involved in a public exhibition process and submission?

**Mr JAENSCH** - Cambria Green is a different fish altogether. I will ask my PPU to put together some words for me on that. I can come back to that one. Is there another matter you would like?

**Ms Dow** - I did not raise this, but I have a further question with the indulgence of the Speaker, about that review of the SPPs and whether that could be quite a drawn-out process. That will then have implications for the development of the scheme, which will obviously require further amendment then, so when you say it is going to be completed, it is not really.

**Mr JAENSCH** - What we need to be doing is, on the completion of the LPSs, the Tasmanian Planning Scheme in place, the Tasmanian Planning policies, the SPPs, are in a cascading five-year continuous review. That is the way we keep them up to date.

The answer to your question is no, Cambria Green cannot be put through as a result of these amendments. It is a proposed planning scheme amendment and is being, and always would be, assessed by the defined statutory process, which includes consultation. These amendments do not change anything.

**Ms Dow** - Thank you.

**Mr JAENSCH** - There was also some discussion about consultation, the targeted nature of it and the access to the submissions. These amendments came about as a result of issues raised by the people who operate the act, and it is very much about this transitional process that we are in as we bring the Tasmanian Planning Scheme into being, and working for the first time with things like the SPPs. This is practitioner driven, if you like, from councils, from the planning commission itself, and it is quite technical, administrative, mechanical in its nature.

That is why it went to consultation to the people who have asked for it, who have worked with it and who will be affected by it in their operation. I understand there were 19 submitters. The submissions when they were sought did not specify that they were intended to be published but I would have no concern, because there are 19 of them, for us to seek agreement from those 19 submitters to them being made public if you thought it would assist the process. It sounds like also you have been able to access a number of those submissions as well and they have informed your participation here but what I am pointing to is the rationale for why it was a targeted consultation and a relatively small number of submissions.

**Dr Woodruff** - Could you take on in future when you do targeted consultations to let people know that if they make a submission it would be put on the website unless they direct it to not be done so?

**Mr JAENSCH** - I think we routinely do that in other parts of developing legislation so I am -

**Dr Woodruff** - But you do not do that for targeted consultation.

**Mr JAENSCH** - I will certainly take it into consideration for these future planning reform processes.

**Dr Woodruff** - That's great. We wouldn't want it to be anything other than transparent.

**Mr JAENSCH** - No, I agree. Again, there was some broader commentary on the planning system and as we have discussed in here before and at Estimates and elsewhere, recognising the workload involved with delivering these reforms, and everybody is involved. Councils are doing a power of work in this area. This all comes down to how well we manage the resources we have got. We have been adding resources each year and offering and providing resources to councils via the Tasmanian Planning Commission, to the PPU, to assist with this. The other thing we have done that I have been very clear about is that we need to have a work plan that means we are not trying to do everything all at once using the same people and skills that we have got.

Some councils have really had control of a lot of the timeframe in terms of how rapidly they have been able to develop and have processed their LPSs. Some councils, like the Burnie City Council, which was the first cab off the rank with the new Tasmanian Planning Scheme, managed to do that quite efficiently and get across the line. We have many councils that have not moved so fast and we are continuing to offer assistance and case manage through the process. We also have a recourse if we need it, to intervene and to have the planning commission prepare materials for the council so we can get them through the process.

I remain ambitious and committed to driving the roll-out of the Tasmanian Planning Scheme across all of our councils by the end of this year. We will work with councils

individually to assist them in whatever ways they need to get them across the line and to get them through the Tasmanian Planning Commission's process.

Ms Dow, we rely on councils which have the closest relationship with their communities to have driven the local communications process with this. Councils routinely do that in every regard. We respect councils as being the expert on their community and how to talk to them and in that regard, that has been something that we have relied on the councils to be able to do with their own people on the ground, although we have been prepared to assist wherever it has been requested and we have made the offers of assistance including deploying PPU or TPC staff to sit down in councils and do the work with them.

So, what we are here for today, this bill, is very much about getting there more quickly and doing what we can to fix and amend parts of the existing legislation to get us through this transition phase with public interest opportunities for consultation, evidence-based decision-making intact, not cutting any corners but removing duplication and ambiguity that might exist in these things that we are using for the very first time.

That point is also in response to Mr Winter's comments. This is not about fixing a broken system. This is about a transitional period that we need to work through and we need to listen to a whole planning family, the whole system that is working on this. We have, and we have made some changes to the legislation at their suggestion and we have consulted with them to get it right. We are bringing it here now and asking for your support so that as quickly as we can we can get these changes made and save six-to-12 months in many council areas right across Tasmania that we do not need to have delayed so that we get the Tasmanian Planning Scheme.

Unless there are other critical issues that arose from your contributions that I can address, I will thank the PPU, the Planning Commission, LGAT, PMAT, and the various other submitters who gave us their contributions and raised the issues in the first place. I thank everybody who is out there working hard to get through the reform process and deliver us the faster, cheaper, more efficient, sunshiny and productive planning system that we need for Tasmania's future.

Thank you very much. I commend the bill to the House.

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

**The House divided -**

**AYES 21**

Ms Archer  
Mr Barnett  
Dr Broad  
Ms Butler  
Ms Courtney  
Ms Dow  
Mr Ellis (Teller)  
Mr Ferguson  
Ms Finlay

**NOES 3**

Ms Johnston  
Ms O'Connor  
Dr Woodruff (Teller)

Mr Gutwein  
Ms Haddad  
Mr Jaensch  
Mr O'Byrne  
Ms O'Byrne  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Tucker  
Ms White  
Mr Winter

**Second reading agreed to.**

**LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN  
PLANNING SCHEME MODIFICATION) BILL 2021 (No. 13)**

**In Committee**

**Clauses 1 to 7 agreed to.**

**Clause 8 -**

Part 3, Division 2, Subdivisions 3A and 3B inserted

**Dr WOODRUFF** - Minister, there are just a couple of questions remaining on this clause. In relation to the proposed new process for urgent interim amendments, subdivision (3)(b), the question was asked whether an interim amendment to the SPP may be made at the minister's instigation, and can be made notwithstanding the Tasmanian Planning Commission's advice that a draft amendment should not be made on an interim basis. That is section 30NB.

I will ask another question in relation to 30NB(4)(a) and (b). You talked about how, after the exposure draft, there was the addition of natural environmental hazards: public health, and public safety were prescribed circumstances under the urgent or critical significant planning issues that the minister could make an interim amendment around. I am still concerned, and I think other people would be too, that there are not sufficient guidance regulations constraint on some of those terms, because it does provide for the minister to do it on a prescribed circumstance.

You have given a specific list to try to assuage people's concerns, but then you have given an open door to a prescribed circumstance, which could be anything that the minister regulates. I can see Mr Risby is shaking his head, so he obviously disagrees. I am interested to hear why that is the case, because there was concern about how wide that was.

Also, you did not address the issue about the public interest definition, and how public interest would be defined. Is there a common law meaning? Is there a particular planning policy, planning legislation meaning for the term 'public interest' in this context? What might that mean?

**Mr JAENSCH** - The last question first. It is mentioned in the consultation report on the bill that it is not normal to define the meaning of public interest in legislation, as its meaning is generally connected to the scope and purpose of the subject matter. Public interest may also change over time, with shifting community expectations.

There are some safety nets built into this because of the relative subjectivity and case-specificity of those sorts of judgments. In this case, they include that the minister must seek and consider the advice of the independent Tasmanian Planning Commission, which is routinely tying these sorts of criteria in these types of circumstances. Also, the minister must publish both the commission's advice and the minister's reasons for making the decision, regardless of whether it is consistent with that advice or not. So, there is a transparency aspect on this as well in a case where there is a judgment or decision to be made.

Also, why is the minister not required to follow the advice consistent with the current processes for making the SPPs and the amendments to the SPPs? The minister is able to inform themselves in the manner they see fit, as specified in Section 30O in the Land Use Planning and Approvals Act 1993 (LUPAA).

The minister is able to gather information from a number of sources, and therefore needs the opportunity to form their own opinion based on all advice received. The minister is required to consider the advice of the commission in determining whether to make an interim SPP amendment, but based on the full range of advice received, may form a different opinion - and again, as I said, for transparency, the advice and the minister's reasons are to be made public.

The same approach was taken in the making of the original SPPs back in 2017, so there is precedent for the model. As I understand it, the introduction of the criteria in the act, in the bill, is new and additional to the process for deciding to make interim planning scheme amendments. In the act, the reference on page 12, you asked about prescribed matters. That goes to the development of regulations in which those matters are prescribed, so they are not included in the bill. That is a detail that comes subsequently on the development of regulations, if needed.

**Dr Woodruff** - But it could still be on another matter, not the ones that are listed, or a prescribed circumstance or matter?

**Mr JAENSCH** - Maybe the circumstance or matter is not foreseen. For example, the health emergency that we have experienced over the last 18 months might have been a circumstance that was not foreseen but for which there may be regulation formed around.

The important thing is where there is a need to determine in an urgent context in the public interest to take this path, there is guidance in the act, advice from the independent commission and a requirement to publish the advice and the reasons for the decision being made by the person making the decision, ultimately the minister.

If you cannot define every possible circumstance and you cannot prescribe in great detail, the definition of when the public interest or some of these other matters may be invoked and you are leaving it to the judgment of people at the time using the best information available to them, the public's interest is served through that being a transparent process where the

information and the reasons for the decision are published so that people can see how that decision was made.

To qualify, those prescribed matters, if they arise, then come before the parliament as a disallowable regulation, so additional matters that might be added to that list through regulation come through the parliament.

**Ms Dow** - To be clear, you will be tabling regulations?

**Mr JAENSCH** - There is a provision for them but we have not anticipated any circumstances yet in which they may be required. If, for example, there was a need to make provision for emergency housing, maybe a quarantine-related thing that had to be turned around quickly, there was public interest and a public health emergency situation, those are the sorts of things that may be given effect through regulation.

**Dr WOODRUFF** - I have a few clarifying points. The EDO in their submission made a comment that it could be up to 12 months before the Planning Commission has had an opportunity to consider and report on the substantive draft amendment to the SPPs. I could not find in here what time frame is specified. Is it the case that the minister gets advice from the TPC before the interim amendment comes into effect? An interim amendment is made under the set of conditions that have been discussed and then it is gazetted as something that is going to the Planning Commission for their advice - is that right? It then does not come into effect until the Planning Commission has made its determination and gives advice back to the minister. Could you please run through that time line process of what would happen?

**Mr JAENSCH** - I will have crack at this first from my own understanding and I will supplement it. He has given me a beautiful diagram.

The nature of these interim arrangements, be they planning directives or amendments to SPPs, is where there is a sufficient case - which we have just discussed - for making an urgent change for good reasons, there is a set of rules in here that says here is how you make that case. If that case is accepted you can make the change immediately and then the change you have made will have effect for a period of time, during which time the commission assesses it as it would assess a normal amendment, not an interim one. So the change is made and then the reasons for it and the full process is gone through, but there are rules created for those circumstances where it is warranted as an urgent change. There is full process but it is a resequencing of it, as is the case when we have an interim planning directive to bring on the effect of a change first and have the Planning Commission's consideration of it happen afterwards.

This happened across 29 or 30 planning schemes 15 or 16 years ago when the interim planning schemes all came into effect at the same time and then it was followed by a process of assessment and consultation.

**Ms Dow** - If at the end of that process it is found by the commission that that substantive amendment doesn't do as it should or it hasn't been as it was intentioned, what happens then?

**Mr JAENSCH** - It expires. It ceases to have effect.

**Ms Dow** - What happens then retrospectively to the change that it has created?



**Mr JAENSCH** - Some of the situations we are talking about may have passed if this is to address an emergency situation, as we have talked about some of those health emergencies and things, but in terms of if there is a reversion, if it is not a time-limited event that we are dealing with - I will get an answer on that.

If the amendment that was the subject of the interim amendment is not subsequently made into a substantive amendment then everything reverts to how it was, but any decisions that were made during that period with an appropriately constituted interim amendment stand, so you do not create confusion. There is the best information at the time: an interim amendment works as an amended SPP during the period. It needs to be said that these are in quite exceptional circumstances and they give the system the ability to respond to urgent needs in the public interest. It is not designed as a way of dealing with stuff you never thought of before that you now feel you would like to do as Planning minister with unlimited powers. It is about being able to respond to issues in the public interest and that is why on page 12 in the bill there are criteria laid out there such as natural or environmental hazard, public health, public safety or a prescribed circumstance that arises and is recognised and captured in regulation.

**Clause 8 agreed to.**

**Clauses 9 to 23 agreed to.**

**Clause 24 -**

Schedule 6 amended

**Dr WOODRUFF** - This gets to some of the concerns that were raised in the consultation process. Parts of the SPPs are given effect through these changes to the interim planning schemes that this bill brings into effect and under the bill as it stands the minister can direct the adoption of SPPs in interim schemes to give effect to particular parts of SPPs and they are listed here - planning terms, definitions, exemptions, application, requirements and so on.

This is quite a broad power. Interim schemes have been developed and been in place for a long time now and the statewide planning provisions are still largely tested and are not in place in 23 of the 29 councils, so what we are looking at is exercising this power without very much public consultation or independent oversight by the Planning Commission. The concern here is the lack of involvement of the Planning Commission in the process and the lack of consultation about the specific SPPs and the impact of these in the creation of the LPSs for each council.

The real concern is that prior to the development of LPSs within council it will reduce in some meaningful way, depending on the council and depending on the LPS the council may want to adopt, it may constrain the choices they would otherwise have by bringing these on in advance. We are bringing them on now through this bill and it is without the process of public consultation that has been agreed to under the Tasmanian Planning Scheme and it is without the Tasmanian Planning Commission's thorough hearing process that has been agreed on. You can see where the concern comes from because it is taking bits out of a process which councils have been diligently working on for years now and the community has been told from the very beginning that their opportunity to have comment is within the local provisions schedule stages - 'Don't worry, you'll get your say' - and so here we are, we have had bits taken out of that process.

I have heard the arguments that these are not parts of the planning scheme that councils can have any say over anyway. They are consistent everywhere. I would like you to reassure people because there is disagreement on this matter. It seems the things that have been proposed include any other provisions that are necessary or convenient to include for a relevant purpose and the relevant purposes under this act is essentially being defined as ensuring that the SPP provisions operate effectively within the interim scheme provisions. It is given this broad scope to include any other provisions and there is a lot of concern about how wide that scope is and how that power is going to be used.

**Mr JAENSCH** - There are a few different things that work here. The broader process Dr Woodruff is referring to is interim planning directive 4 which I referred to in the second reading speech as having the effect of bringing some of the SPPs into effect across all planning schemes ahead of the approval of all of the LPSs. The important thing here is that the SPPs themselves are not subject to assessment or approval under the LPS process. They have already been assessed and approved and they are all going to be reviewed again starting next year as well.

The interim planning directive process has already happened. It was recommended by the Tasmanian Planning Commission that it happen so the normal powers and the normal decision-makers in the process have brought about the interim planning directive which brings forward only about 10 per cent of the SPPs into effect under existing rules, and what we are talking about today does not affect that. It does not allow that to happen. It has already happened.

The bill in front of us says that when the Tasmanian Planning Commission goes through subsequent stages of assessment of those schemes it does not reassess and approve the SPPs themselves because they have already been approved and they are about to be reviewed again next year, so they were approved in 2017 and they are going to be reviewed in 2022. What has been happening is they have been brought into effect through a different mechanism, which already exists in the legislation and it has already happened, so this bill again saves double-handling and assessment. It means you do not assess the SPPs three times in five years, by the same people, possibly for the same outcome. It is not removing anything; this bill does not remove any of that scrutiny of the formation of the SPPs - that exists already.

**Dr Woodruff** - The SPPs are what councils will need to be working under to form the LPSs.

**Mr JAENSCH** - The LPSs arrange the SPPs in those local areas.

**Dr Woodruff** - Would you like the SPPs and all the councils to have their planning schemes in before they are reviewed for the first time?

**Mr JAENSCH** - Yes, we are aiming for the end of this year. That would be marvellous and we will help any council who has a problem to get there.

**Ms Dow** - Through you, Mr Chairman, the review of the SPPs which is scheduled for next year, how long would you envisage that process going for? Obviously, there will be public exhibition and consultation as part of that process?

**Mr JAENSCH** - PPU is working on a process for me on that. I do not have the full detail of that sequence of events or the time frame to hand today.

**Clause 24 agreed to.**

**Clause 25 agreed to.**

**Bill taken through the remaining stages.**

**Bill read a third time.**

**The House adjourned at 7.18 p.m.**