



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 19 November 2024

REVISED EDITION

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Tuesday 19 November 2024

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

QUESTION ON NOTICE - ANSWER

No. 20 - State Emergency Service - Funding

[11.03 a.m.]

The following answer to a question on notice was given.

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

With regard to the Tasmanian State Emergency Service (SES) funding and resources:

- (1) What is SES's total budget?
 - (a) Please break down the components of the total funding for operating expenses, including:
 - (i) staff salaries;
 - (ii) training including statewide training and events;
 - (iii) personal protective clothing (PPC) and personal protective equipment (PPE);
 - (iv) other equipment including vehicles; and
 - (v) other miscellaneous expenses.
 - (b) Please break down the components of the total capital expenditure funding.
- (2) How much does it cost to train, and equip, an individual volunteer with the necessary PPC (overall or two piece uniform), and PPE (helmet/safety glasses/gloves)?
- (3)
 - (a) In the last three years, have there been any requests for additional funding from the SES for PPE or other related equipment; and
 - (b) Have any of these requests been approved; and
 - (i) if so, when and for how much;
 - (ii) if not, why was the request rejected?
- (4) Is all currently used SES equipment, including helmets to use when working at height, compliant with Australian standards?

- (5) With the recent storm events highlighting the dedication and commitment of our SES volunteers, what provisions are being made to ensure growth in volunteer numbers to support communities for future events?
- (6) How many operational staff (those that provide support and management to volunteers as they perform their everyday duties, storm and other similar events) are there in each region (North West, North and South)?
- (7) Have all new volunteers throughout the state received the requisite training?
- (8) Will there be any additional funding support provided to Tasmanian SES to enable the SES to deliver the training, equipment and services required; and if so, how much additional funding, and when will it be provided?
- (9) With regard to the \$3 million provided over four years for SES vehicles - will this funding simply bring the legacy aging fleet up to AFAC standards; and if so, what extra funding will be required each year thereafter to remain within standards and replace vehicles as required?

ANSWER

I have the answer to question 20 on the Notice Paper for the member for Murchison regarding SES.

- (1) The SES recurrent budget is \$5,421,533.
 - (a)
 - (i) \$4,527,897
 - (ii) \$52,000
 - (iii) \$95,800
 - (iv) Vehicle parts and management: \$86,528
 - (v) \$229,265
 - (b) The SES does not have a critical budget outside of a proportion of election commitment funding under the Voluntary Infrastructure Investment Fund.
- (2) Approximately \$2600, inclusive of PPC, training, equipment, technology and licences.
- (3)
 - (a) Yes.
 - (b) Yes.
 - (c) On the 2022-23 Budget, \$260,000; 2024-25 Budget, \$220,000 over four years; \$300,000 over two years plus \$10,000.
 - (d) Unknown.
- (4) A risk assessment is currently being conducted.

- (5) The Volunteer Strategy and Support Unit (VSSU) is working to grow volunteer numbers. This includes the development of a media campaign that is due for release in 2025 to boost volunteer recruitment.
- (6) There are four staff in each region (north-west, north and south). The staff are as follows: a regional manager, a regional officer, a regional training officer and a regional administration support officer.
- (7) New volunteers undertake a sequence of training as follows: onboarding, induction, core and training. Depending upon the availability and the mode in which the volunteer entered the organisation, volunteers may be at different stages across the continuum.
- (8) SES is working with the Fire and Emergency Service Commissioner and the DPFEM regarding funding.
- (9) The funding will bring the SES fleet profile closer to AFAC standards for age by vehicle type. It is estimated that approximately \$1.4 million is required annually to maintain the SES fleet age profile.

That is it. We will send this to the member for Murchison.

TABLED PAPERS

Government Administration Committee A - Short Inquiry Process into TasTAFE - Government Response

[11.06 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave) - Mr President, I table the government's response to the Legislative Council Government Administration Committee A's report on Short Inquiry Process report into TasTAFE.

Report received.

Joint Select Committee on Energy Matters - Special Report

Ms FORREST (Murchison) - Mr President, I have the honour to present the special report of the Joint Select Committee on Energy Matters, on the use of excerpts from a committee hearing broadcast.

I move -

That the report be received.

Report received.

Ms FORREST - I move -

That the report be printed.

Report printed.

LEAVE OF ABSENCE

Member for Launceston - Ms Armitage

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

That the member for Launceston, Ms Armitage, be granted leave of absence from the service of the Council for this week's sitting.

Motion agreed to.

MESSAGES FROM THE GOVERNOR

Assent to Bills

Mr PRESIDENT - Honourable members, I have messages from Government House advising of Royal Assent to the following bills:

A bill for an Act for the appropriation of \$8,057,461,000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2025.

A bill for an Act for the appropriation of \$53,235,000 out of the Public Account for the services of the Government in respect of Parliament and Statutory Offices for the financial year ending 30 June 2025.

Barbara Baker, Governor,
Government House, Hobart,
1 November 2024

A bill for an Act to advance and safeguard the human rights of people with disability and to advance the full and effective inclusion of people with disability in the Tasmanian community.

A bill for an Act to amend the *Industrial Hemp Act 2015* and the Industrial Hemp Regulations 2016.

Barbara Baker, Governor,
Government House, Hobart,
8 November 2024

A bill for an Act to amend the *Historic Cultural Heritage Act 1995*.

Alan Blow, Lieutenant-Governor,
Government House, Hobart,
15 November 2024.

RECOGNITION OF VISITORS

[11.10 a.m.]

The PRESIDENT - Honourable members, before I call on special interest matters, I welcome to the Chamber today the TasTAFE ELICOS (English Language Intensive Courses for Overseas Students) students, who are learning English language for further studies. They are joining us here today. What we have just done is the formal proceedings for the opening of parliament. Tuesday is private members' day. Normally, we do government business on Wednesdays and Thursdays, and private members have Tuesday to bring forward matters of interest - or bills, or to note reports that they have a particular interest in. Today is a little different from the other two days, but it is the private members' day and it is when their voices are heard in the Legislative Council.

Welcome to the Legislative Council and the Tasmanian Parliament. We thank you for showing an interest in how our democratic system works. I know all members will join me in making you most welcome for your short visit to the parliament today.

Members - Hear, hear.

SPECIAL INTEREST MATTERS

International Men's Day

[11.11 a.m.]

Mr GAFFNEY (Mersey) - Mr President. I rise today to bring to your attention that 19 November is International Men's Day. Many people listening today and in this Chamber probably do not realise that it is a special day for men; however, we are trying to spread the word. After participating in a breakfast event this morning organised by Men's Resources Tasmania in celebration of the day and attended by both men and women, I take this opportunity to reflect on the purpose, significance and implications of this global occasion. I also thank other members in this place, the member for Nelson, for recognising IMD on her Instagram account.

The IMD movement focuses on the worldwide positive value that men bring to their families and communities and to raise awareness of men's health and wellbeing. There are six key objectives to IMD that apply equally to all males, irrespective of their age, ability, social background, legal status, race, beliefs, sexual orientation, or gender identity. These objectives are: (1) valuing male role models; (2) acknowledging the contribution of men and boys; (3) improving male health; (4) tackling discrimination and disadvantage; (5) fostering positive gender relations; and (6) making the world a safer place for everyone.

This year's theme for IMD was Men's Health Champions in response to the aforementioned health commitment. A staggering fact is that 50 Australian men a day are dying from preventable causes before they reach the age of 75. Australia is one of the healthiest and

wealthiest countries in the world, yet men born in Australia still die an average of seven years younger than women born in Australia. In Australia, men's issues also include: the facts that three out of four suicides are men; two out of three violent deaths are men; boys underperform girls at every stage in education; and dads who want to be involved in their children's lives face a range of barriers. These alarming facts provide a clear and concise representation of why IMD conversations and actions are so vitally important.

We are also faced with the problem of young men being influenced online by toxic role models. The real world for our young men is where they can learn what it is to be part of the community where respect, kindness, patience and tolerance can be learnt and practised. We all have a part to play in supporting them to become the men their families can be proud of.

One of the ways in which I personally chose to get involved in IMD was to sponsor a local event, BBQ at Bellsy, which was held this year on Sunday 17 November in my electorate at Bells Parade, Latrobe. This is the second consecutive year I have supported this free family picnic, which is open to everyone to celebrate IMD and enjoy a fun day out in a very relaxed atmosphere and beautiful natural environment. As part of the festivities there was a barbecue lunch for patrons provided by the Latrobe Community Shed group, a range of sporting and recreational activities, live music, community group displays, health and wellbeing checks, a medieval fighting display, and displays by the Mustang Owners Club and the Veteran Car Club of Australia (Tasmania), North West.

Unfortunately, the barbecue was adversely affected by poor weather and we needed to close the event down after only one hour. However, it was nice to receive positive feedback and to know that one and all will be returning for the hopefully less inclement 2025 event on Sunday 16 November. I would like to personally thank all those individuals, sporting groups, car and community clubs and patrons for their support of this event.

Another men's event I attended last week in my electorate was the Bandicoot Long Lunch. This semi-regular gathering is aimed at reconnecting retired farmers, professionals and agricultural representatives. I was provided with the following information by one of the organisers, Mike Blythe.

The term 'bandicooting' is a country term used when locals would help themselves to produce from a farmer's crop and only ever take enough to secure a meal or two for the family. Farmers will also bandicoot other farmers with different crops. It was the done thing that non-farmers would then give back to the farmer in other ways like fixing fences, helping with bale carting et cetera. It is pleasing to note the Bandicoot Long Lunch carries on with this tradition. It is indeed a great opportunity for a global conversation about men's issues. However, there are some wonderful men's groups throughout our state championing the cause of men's issues all throughout the year, such as MRT, ManUp Tasmania, The Men's Table, SPEAK UP! Stay ChatTY, Men Care Too and Men's Shed groups are great places to connect with information, podcasts, resources, advice, mateship and events listing.

Incidentally, Movember is a month-long campaign to raise awareness about men's health, challenges stigma around men's health issues, spark conversations, and promote early detection and intervention. There are many ways to observe International Men's Day. Today is a great day to acknowledge, discuss and celebrate International Men's Day. Thank you.

Circular Head Chronicle - Closure

[11.17 a.m.]

Ms FORREST (Murchison) - Mr President, I will speak about what I believe is the unfortunate closure of a longstanding institution in the Circular Head community, the *Circular Head Chronicle*. After 118 years, this treasured local newspaper printed its final edition on Wednesday 30 October, marking the end of an era for Circular Head and the surrounding communities. Founded in 1906 by William Wilson Young, the *Chronicle* has been a constant presence documenting our history and sharing the news affecting our people through generations. It has been there to cover everything from local council updates to sports, business news, personal milestones and other issues that matter to this community.

I am sure many Circular Head residents will share fond memories of lining up impatiently on a Wednesday afternoon, small change in hand, to buy the latest edition hot off the press. Each edition brought members of the community updates on local events, profiles on familiar faces and a snapshot of life in Stanley, Smithton and beyond from Marrawah to Rocky Cape. It is where many members of the Circular Head community along with the north-west coast read about the local sports teams' victories, found out about a new business in town or perhaps saw their own stories printed in black and white for the community to share. As we all do, the community oohed and aahed over the photos of the new babies born at the Smithton District Hospital or the North West Regional Hospital and often watched some of those same babies go on to achieve in sports or school activities. For nearly a century-and-a-quarter the *Chronicle* gave us all a window into the lives and concerns of our neighbours in this area.

The decline of local newspapers is not just a story unique to Circular Head, it is a trend we are seeing across Australia and globally. Small newspapers struggle to survive in the face of digital disruption, dwindling advertising revenue and changes in the way people consume news, but the impact of these closures is profound. When we lose local newspapers, we lose a dedicated source of local accountability, public disclosure and a sense of place. It is these smaller, community-centred papers that know us best. They give voice to the people who may never make headlines on the national stage, but whose stories matter to us right here where we live. For many of us, a local paper like the *Circular Head Chronicle* does more than just report the news, it creates and preserves community identity. It shone a light on the spotlight of local achievements and provided a trusted source of information, often binding communities together through both celebrations and difficult times. The closure of the *Circular Head Chronicle* is also a reminder of the importance of supporting independent journalism, especially in regional areas where news coverage is often scarce. Without it, communities can be left vulnerable to information gaps and reduced oversight.

I would like to acknowledge the dedicated staff of the *Circular Head Chronicle* over the years: the journalists, editors, photographers and creative staff and everyone who poured their passion into this newspaper for so many years. The *Chronicle's* manager at the time of closing was Janelle McGowan, who started working there in 1999 as, I am told, a very shy trainee in the stationery shop and who, by her own admission, would go bright red at the thought of having to speak in public or anything that would put her in the spotlight.

As is the case with most small organisations, Janelle covered a range of roles. She did an interview on ABC radio that she had done pretty much every job there except for the actual printing. She remembered that each Tuesday she had to type up all the sports results that came in on the fax machine. She reflected on how much things had changed, noting that things more recently arrived by email. Everything became digital and so much faster.

She also shared that she did her very first interview in 2018, saying that she was thrown into it because the regular journalist at the time was overseas. The interview was with the then prime minister, Malcolm Turnbull, who happened to be in Circular Head. Janelle described being a nervous wreck as she went out to breakfast to interview him even though he was really nice. She had received some advice on what to ask, but she threw it over to her children for some questions. They wanted to know what was the last movie he had seen - it was *Peter Rabbit* - and if he had any pets; a very local paper angle indeed.

Over the years, the *Chronicle* has seen a number of owners such as Les and Margaret Shearer and Craig and Amanda Saward, who handed over to Robert or 'Bob' Yeates of Yeates Media in 2019 and who, at the time, described local newspapers as the glue of the community. So it was with sadness and gratitude that Mr Yeates as managing director announced the paper's closure in the last edition, where he said:

Though this chapter is ending, the spirit of community journalism is on in each of you. I encourage you to continue supporting local businesses, attending community events, and staying engaged in issues that shape the district. It is through these connections that our community will remain strong and united. Thank you for allowing us to be a part of your lives. While the newspaper may be closing, the relationships that we've built and the memories we've shared will remain.

As we look toward the future, let us remember that a well-informed community is a resilient one. I hope that in time, new forms of local journalism may rise to fill the void the *Chronicle* has left and that we as leaders can support the sustainability of local news. The *Chronicle*, along with the Smithton Library, have donated their collection of the old *Chronicles* to the Circular Head Heritage Centre, where they will be installed in the new archive room. The newspapers date back to the original copy published on Wednesday 18 July 1906, right through to the present. It won't be the same without this local newspaper. I know many in the community hope to see a local edition return to the Circular Head community, despite all the challenges that regional newspapers face.

Alderman Jan Dunsby - Tribute

[11.23 a.m.]

Ms THOMAS (Elwick) - Mr President, last week our community sadly lost one of its shining lights with the passing of Alderman Jan Dunsby JP. I rise today to pay tribute to Jan, as I promised I would when I visited her a couple of weeks ago in hospital. My intention was to deliver this address before Jan passed, allowing her to hear how much her contribution to our community was valued. But unfortunately, Jan lost her battle with illness sooner than we thought and I am terribly sorry she is not still with us to hear my contribution. I am, however, grateful that some of her family and friends are watching online and I am comforted by the fact that I know, for Jan, simply knowing my intention to deliver this address was enough. This was confirmed by her email in response to my request for information on her various community roles over the years in which she wrote: 'Dear Bec, still feeling humbled by your visit and your offer to speak about me in parliament'.

Jan Dunsby, as you know, was an extraordinary woman, a community champion and a loyal friend. She was a strong advocate for people with a disability and the everyday battler; a quiet achiever who selflessly devoted so much of her life to our community and asked for

nothing in return. Jan Dunsby was so good that she not once said a swearword in her whole life, not even so much as a whisper. On remarking about this during one of our final conversations, I encouraged her to drop the F-bomb to curse cancer, but she would not have it. Do not worry, I said it out loud a few times for her. If it was not considered unparliamentary, I would say it again now.

Jan had a great passion for live music, a wonderful sense of humour and a lifelong devotion to her beloved Collingwood Magpies.

Ms Rattray - Hence the outfit today.

Ms THOMAS - Exactly. Thank you. I am wearing black and white for Jan. Well spotted, member for McIntyre. Who would have thought, a Collingwood fan who never once dropped the F-bomb.

Jan loved cheering on our Tasmanian JackJumpers and was a huge fan of Eddie McGuire. I thank Eddie McGuire from the bottom of my heart for his video message to Jan, acknowledging her service to the community and sending his support a couple of weeks ago. I know that meant so much to Jan.

You may have noticed amongst the things that Jan loved, I failed to mention Christmas. Jan hated Christmas.

Ms Webb - Hated?

Ms THOMAS - Hated Christmas. Can you believe it? Knowing how much I loved it, she took the time to decorate my place at the council table for our December meeting a couple of years ago, just to see the look of surprise and joy on my face.

Most of all, in a world that is sometimes cruel and unfair, Jan was kind. Trying to summarise Jan's complete contribution to the community is not an easy task, but I will do my best to capture it now and apologise in advance if I miss anything in summarising her service.

For more than 30 years, Jan selflessly poured most of her time, energy and kindness into volunteering to assist many individuals, families and organisations in our community. Jan served proudly as a Glenorchy City Council alderman for 10 years and she epitomised what a local government elected member should be. She was decisive and articulate, with a sharp mind and a fine attention to detail. She was not afraid to call out wrongs and go to bat for her community. She was reliable and dedicated. She was accepting and respectful of others' views even when she did not agree with them.

Jan had significant experience with not-for-profit organisations and a sound knowledge of good governance developed through years of service and dedication. She performed various roles at Neighbourhood Watch Tasmania from 2008 to 2019, including as a board member, chair and executive officer. She also served on the board of the Lady Clark Centre in Claremont from 2015 to 2023, and as a board member and public officer at ParaQuad Tasmania from 2018 to 2024.

Jan was treasurer and board member at the West Moonah Community House from 1993 to 1996. This inspired a great passion for community houses, and from 1998 to 2003 Jan was

a committee member and newsletter editor of the Tasmanian Association of Community Houses, now known as Neighbourhood Houses Tasmania. She also assisted with the organisation of many state conferences for this organisation.

As a mother of young children, Jan became active in supporting their school and was a member of the St Therese's Parents and Friends Association and Mothers' Club from 1992 to 2002. She also assisted with organising the school fair and helped in the uniform shop and canteen. In later years, Jan was Chair of the Claremont College Association from 2015 until her passing.

As you know, Mr President, Jan genuinely believed light rail could make a hugely positive impact for people in the northern suburbs.

Members - Hear, hear.

Ms THOMAS - From 2008, Jan took on various roles with the Hobart Northern Suburbs Rail Action Group, including as treasurer and public officer.

Jan loved Glenorchy and its people and especially enjoyed making things happen when it came to community events. For 13 years from 2001, Jan was the organiser of Australia Day events on the Claremont College green and was also involved with the West Moonah and Claremont Community Precinct groups. As I mentioned previously, although she was not a huge fan of Christmas, for 18 years Jan served to make it special for those less fortunate by volunteering at Colony 47's Christmas lunch and helping to wrap hundreds, if not thousands, of presents during this time. Jan was also the Tasmanian delegate to the Adult Learning Australia Conference, coordinator of the Glenorchy Citizen of the Year group and a consumer consultant to Healthscope at the Hobart Private Hospital.

Finally, we should not forget that Jan served as a justice of the peace from 2008 and a bench justice from 2015. It was a regular occurrence for Jan to be called into the courts at odd hours to assist with the timely administration of justice.

In closing, I would like to quote Jan from her final email she sent to me, where she said:

If I was to leave a motto, it would be *a life lived for others*. I think I made my mark on the world and made it a better place for some. I gave my all when raising my children to be the best mother I could be. Always makes you proud to see them do so well.

Jan Dunsby certainly did leave a positive mark on this world and she did make it a better place, not just for some, but for many. She was truly one of a kind and will be very sadly missed. May she rest in peace.

Members - Hear, hear.

Military Brotherhood Military Motorcycle Club

[11.30 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I add my condolences on Jan's passing and send them to her family. I thank the member for Elwick on that lovely delivery this morning. It is a hard act to follow but I will do my best.

I will talk about the Military Brotherhood Military Motorcycle Club. I will shorten that to the MBMMC - otherwise I will be here for most of the day. This is a tri-service military motorcycle club which commenced in 2009 comprising of serving and ex-serving Australian Defence Force and Commonwealth Forces members, friends and support riders. It is an Australia wide club and its mission is to support club members and their families. There are approximately 30 sub-branches across Australia.

Upon researching this story, it tells me of the camaraderie, mateship and support the Military Brotherhood Military Motorcycle Club provides, filling empty spaces and creating much-needed bonds with veterans who want help and want to help others. Interestingly, a couple of quotes from members of those clubs are:

Bikes are not the priority. They're obviously useful for getting about but it's not the priority. It's the glue. It's the bond between us and helping veterans of recent deployment in conflicts of East Timor, Iraq and Afghanistan.

The veterans have also stated:

I was lost. There was a gap. I was going from job to job.

Now they have found camaraderie, mateship and support like what they had in the defence force and it has filled an empty space. Veterans who want help and want to help others. A real strong message there from those who have joined these some 30 clubs around Australia.

In December of last year, I received an invitation from the MBMMC to its national RoundUp 2024, which was to begin in St Helens on Friday 8 November. I thought, 'Gosh, that's a long way out', but credit to them for getting in early. Certainly, I had it in my diary from December of last year. The RoundUp began in St Helens on 8 November with a meet-and-greet with approximately 25 of the sub-branches coming together from across Australia, followed by the AGM on Saturday 9 November. They had a formal dinner which was held on the Saturday night with a band and guest speaker. The guest speaker was Mark Direen, a former SASR soldier and a high-threat safety expert. Mark embodies the spirit, adaptability and resilience from a 20-year military career that began at the age of 17 to become a worldwide security consultant and expedition leader. Mark's journey is a testament to the transformative power of learning from your own experiences and the importance of acting to inspire positive change. Mark believes that experience is really what improves us and our lives and doing this is better than watching, listening, reading or researching. Get out and live. That was the message.

Mark also had a photo exhibition at the Community Stadium that was labelled Point and Shoot. It was amazing, from all the feedback I received - a big day and night at St Helens. Sunday was the rest day, where I think a lot of the riders experienced the region and did quite a few kilometres. There were about 200-plus riders. There were reports that the accommodation

in the Break O'Day area was fully booked and a wonderful weekend was had by all. I checked at the Monday Remembrance Day service that they organised at St Marys. There were one broken-down bike and one spill, but no serious injuries. Not a bad effort for around 200 riders.

Monday, 11 November, Remembrance Day, was part of their week together. They started at the dawn service at St Helens, then they headed to St Marys on what they referred to as the 'thunder ride' over the pass, which was closed while the bikes went through. The service at St Marys was one of the best that I have ever attended. There were approximately 300 people in attendance, the entire St Marys school was represented and two of their leaders gave an address. I have been to a number of Remembrance Day services and many Anzac Day services, but this was the most enlightening and heartfelt I have ever witnessed, so I thank all those people who attended and contributed.

I particularly want to acknowledge the members of the MBMMC group and they are Bushy, Wookie, and Pecker. A couple of them do have names, but it is hard to find them. Pecker is Lyndon Petterwood, who is the president of the southern group, and Wookie, who is James Redgrave, is the president of the northern group. I have not been able to track Bushy's name down. He obviously does not need me to know. Congratulations to those two groups in Tasmania that brought together that amount of people and that Remembrance Day service, both at St Helens and St Marys. It was an absolute credit to them, and the fact that they only had one broken-down bike and one spill was pretty good. Thank you.

Members - Hear, hear.

Saltbush Child and Family Learning Centre

[11.37 a.m.]

Ms WEBB (Nelson) - Mr President, I rise today to speak about a wonderful addition to the Kingston region of the Nelson electorate, the Saltbush Child and Family Learning Centre. With the centre's opening on 1 August this year, it became the latest of the now 18, I believe, child and family learning centres based in communities all around our state. I would like to congratulate the government for its decision to extend the number of child and family learning centres statewide, building on the incredibly successful initiative first conceived and funded by the previous Labor-Greens government and continued admirably under the current government.

I am especially pleased to see the Kingston community welcome a child and family learning centre and have the opportunity to benefit from this much-valued and place-based model that has demonstrated such success in other locations around our state. The opening of the Saltbush Child and Family Learning Centre on 1 August came after a lengthy design and development stage that involved extensive consultation and co-design with the local community. A local enabling group was formed, including representatives, educators and service providers from the local community to be partners in the development and design of the centre.

Over the 18 months the centre was being designed and built, the child and family learning centre staff were already on board and getting out into the local community, delivering pop-up play and learn sessions at least twice a week across the Kingborough area. Now, with the centre fully operational, there is a continuation of the outreach into the community with pop-up

sessions still being held throughout the Kingborough area. In fact, there are some upcoming festive season pop-up sessions to be held in the local parks in Kingston and Blackmans Bay, where children and families can come along and do Christmas craft - something not to miss.

I cannot express warmly enough my high regard for the child and family learning centre model and the wonderful work being done through them in our state and now in my local patch in Kingston. The basis of the child and family learning centre vision is our shared commitment to Tasmanian children having the best possible start in life. The centres are safe, inclusive and welcoming places where families can access a range of integrated services and wraparound supports in the heart of their local community, typically co-located with a local primary school. The Saltbush Child and Family Learning Centre is co-located with Kingston Primary School and I have already noted in recent social media posts that there are delightful opportunities for shared activities between the school and the centre.

I recently had the opportunity to have a lengthy visit with the Saltbush Child and Family Learning Centre, hosted by the wonderful centre leader, Rachael Hawkins. I thank the minister's office for helping arrange that.

During my visit, I had the chance to see in person that safe, inclusive and welcoming environment. For example, to share a few observations from my visit: there were smiling community members inside the centre who greeted me as I came through the door. They were happy to chat about the activities that they enjoyed at the centre, and the support that they were receiving. There was a wonderful mix of cultures and backgrounds amongst the many families attending the centre that day. This included a notable number of dads attending the centre with their children, engaged in a whole range of activities, and also grandparents bringing along their grandchildren.

The centre is a beautiful physical space. The inside of the centre is an open, airy, light-filled, calm and comfortable space with all kinds of purpose-built play areas, gorgeous kid-sized furniture and oodles of play equipment for imaginative play. There are also lovely private consultation rooms along the quiet side of the centre, separated from the play areas. These are for appointments with the regular services that come onsite for that integrated approach to make access easier. These include Child Health and Parenting Services (CHaPS), midwife appointments, and a psychologist regularly.

A particularly fun and striking feature, which I have no doubt is a favourite with the kids at the centre, is a slide that goes from inside the centre through an external wall, and down into a play area outside. It does not get much more fun than that, I suggest, if you were a three-year-old rocking along to the centre with your parents. The outdoor play areas on the northern side of the centre have a lovely, sunny outlook, a big sheltered undercover area and an exciting water play area as well. There are pathways wandering through a lovely garden. An absolute highlight is a gorgeous mural of local fauna and flora, which is featured on a garden wall, done by Tasmanian artist Mel McVee, with assistance from local children and families.

I cannot neglect to mention an essential ingredient of any welcoming centre: a great coffee machine, which I know would be a godsend to all parents visiting the centre, especially on those days when it has been a struggle to even get out the door at home, with perhaps a toddler and a baby in tow.

I extend my thanks to Rachael and her team at the Saltbush Child and Family Learning Centre for taking time to show me around and give me an introduction to the exceptional space. I offer my heartfelt admiration and gratitude to them for the excellent work that they are doing to further enhance and build the very special Kingston community. In closing, and in case you were wondering, this lovely new centre is named after the saltbush plant, which you will find throughout the Kingborough area. It reflects the fact the area is where the coast and the bush meet. I must say, although it is still so new, the Saltbush Child and Family Learning Centre is already proving itself to be an essential heart, building connections in our local Kingston community.

Members - Hear, hear.

MOTION

Suspension of Standing Orders - Order of Business

[11.43 a.m.]

Ms FORREST (Murchison)(by leave) - I move -

That so much of Standing Orders be suspended as would prevent Orders of the Day Nos. 4 and 1 being considered, in that order, forthwith.

Motion agreed to.

MOTION

Government Administration Committee A - Short Inquiry Process into the Operations of TasPorts - Report - Consideration and Noting

[11.44 a.m.]

Ms FORREST (Murchison) - Mr President, I move -

That the Report of Government Administration Committee A 'Short Inquiry Process into the Operations of Tasmanian Ports Corporation Pty Ltd' be considered and noted.

In noting this report, which is very clear in the findings and recommendations, I note that there has also been scrutiny of TasPorts' operation undertaken by the Public Accounts Committee. Both inquiries have highlighted major failures of this state-owned company. For the life of me, I find it hard to understand why the CEO and Chair were not asked to resign. The fact that the Chair recently offered his resignation is a mere distraction, as his term was up and a recruitment process was well underway. He left a few weeks early, as his tenure was not being renewed.

I do not believe I have ever witnessed such a monumental failure to communicate and work in the best interests of the state by a government-owned business, a business owned by the people of Tasmania. Any regard for taking this role seriously, with transparency and accountability, seems to have been completely lost.

To admit to a parliamentary committee that, as a chair of one of our companies, you do not take any notes of meetings, including board meetings, and meetings with your shareholder minister, is simply indefensible. During the inquiry, the TasPorts Chair took an adversarial approach, rather than presenting a willingness to provide the committee with the information we sought. He consistently inflamed the situation rather than diffusing it, especially when challenged. For example, when challenged on the reliability of delivery of customers' stock to King Island, his automatic response, when he admitted that he had no information on it, was to suggest they had not paid their bill. When I asked about the all-weather port in Grassy, both the CEO and Chair dismissed it rudely and arrogantly, stating 'such a thing does not exist', when everyone knew what was intended. Even when I moved on to another topic, the Chair was unable to let his comments recognise the challenges facing customers on King Island or to let the matter rest. He made a condescending comment suggesting he would like to see the statistics for other islands.

The approach taken by the CEO and Chair during the GBE hearings in December 2023 was even more adversarial and obstructive. I do not apologise for the length of my comments on this report. I first intended to respond to the findings, then focus on what I have been informed of since, but - and this may not be a shock to you, Mr President - it does make me wonder how a shareholder minister could have been unaware of these issues for so long. The report is clear and I do wish to provide some commentary related to the report, including, importantly, information provided to me following its release.

This was a short inquiry process and I wonder what other damning evidence the committee would have heard if we had had a full inquiry, where we invited other witnesses in. In any event, many others who interact with TasPorts have shared their experiences with me and I will reiterate some of those later in my contribution. These accounts have come from all parts of the state, from both of our Bass Strait islands, the west coast, the north-west, and northern and southern Tasmania. I have been appalled to hear so frequently about what can only be described as unacceptable practices that are not in the interests of the owners of this business - us, the people of Tasmania.

As I said, I will elaborate more fully on these during my contribution, but for now I will summarise and reflect on what is in the report.

Members will be aware that TasPorts Pty Ltd, or TasPorts, is a state-owned company, established under the *Tasmanian Ports Corporation Act 2005*. The principal objectives of the corporation under the act are to facilitate trade for the benefit of Tasmania and to operate its activities in accordance with sound commercial practice. I want members to keep in their minds that the objective is to facilitate trade for the benefit of Tasmania. Let us keep that forefront in our minds as I continue.

TasPorts operates under a corporate governance system consistent with the Australian Stock Exchange's key principles and recommendations of corporate governance. This is published by the ASX Corporate Governance Council and they also operate under the Tasmanian Government Business Governance Framework. The Guidelines for Tasmanian Government Businesses: Corporate Governance Principles - that is a bit of a mouthful but that is what it is called - refer to the ASX Corporate Governance Council's eight principles and recommendations including the following:

Principle 1 - Lay solid foundations for management and oversight.

Under accountability:

Due to the nature of ownership of the business, the relationship between the board and the Shareholder Ministers generally requires more frequent interaction than that required between boards and shareholders in public listed companies.

This is because the Shareholder Ministers, who represent the government on behalf of the Tasmanian community, are accountable to Parliament for their performance and strategic direction of each Government business through the channels provided by the portfolio legislation, ministerial charter, corporate/business plan, and constitution.

Principle 5 - Make timely and balanced disclosure.

Under the reporting frameworks for GBEs and SOCs, specific information (financial and non-financial) must be provided to the Shareholder Ministers on a regular basis. Specific information must also be provided where the business intends to undertake large projects.

I think we should know what I am referring to there. As government-owned businesses, it is vital that the shareholder ministers will be kept informed of all matters. They may have a material impact, financial or otherwise, on the business or potentially adverse implications for government.

Principle 7 - Recognise and manage risk

General

Given the nature of ownership of GBEs and the government's desire to minimise risk, GBEs must ensure that they take all appropriate measures to recognise and manage risk.

While SOCs operate under the *Corporations Act* they are still owned by the Government, and ultimately the Tasmanian community. Consequently, SOCs must also ensure that they take all appropriate measures to recognise and manage risk.

I am not making this up. This is what is in the government's principles. I reiterate this information from our report as it does clearly outline the responsibilities of the company and the shareholder ministers. The key principle and a reason behind this short inquiry process was initiated by the committee on its own motion, and that was because when TasPorts appeared before the Legislative Council Government Business Scrutiny Committee A in December 2023, the committee considered a number of matters were not adequately resolved during the GBE process.

As I have mentioned, a quite adversarial approach was taken during this hearing. It was very difficult to obtain meaningful and clear responses to key questions related to workplace culture, asset management and condition of assets under TasPorts' responsibility, customer relationships and other key matters.

Government Administration Committee A members considered it necessary to undertake further scrutiny sooner than the GBE process allowed. Therefore, on 11 December 2023, only a matter of a few days after the GBE scrutiny, the committee wrote to the then minister for Infrastructure and Transport advising of the committee's resolution to commence the short inquiry process and extend an invitation to provide verbal evidence at the public hearing of the committee that was scheduled for 27 February 2024. Unfortunately, on 14 February 2024, the committee was interrupted by the prorogation of the Tasmanian parliament due to the second early and disruptive state election.

Government Administration Committee A was re-established on 21 May 2024 and at the first meeting of the committee we resolved to re-establish the short inquiry process into TasPorts and proceed with the public hearings in August 2024. It was very frustrating that such a delay occurred, but anyway, here we are. That is the history of how we got here.

As I mentioned earlier, TasPorts is a state-owned company established under the *Tasmanian Ports Corporation Act 2005* and operates out of the government's framework that adheres to the act, ASIC's Corporate Governance Principles and the Tasmanian government's Government Business Governance Framework. The evidence provided to the committee suggested that while this framework is in place, it became increasingly apparent that there are gaps in the practical application of these principles and acknowledgement of the importance of transparency and reporting to both the shareholder ministers and the parliament. As I noted in the 2023 scrutiny undertaken by the Legislative Council Government Business Scrutiny Committee, that highlighted potential deficiencies in transparency and accountability. It also said that TasPorts knew they were only before our GBE committee hearing for a limited time, and if they could avoid answering questions as much as possible, that would be it for the next 12 months.

It was very clear to committee members that further scrutiny was necessary - primarily as a result of TasPorts not fully meeting the expectations of the committee and the people of Tasmania, who we work on behalf of, regarding the disclosure of material information or the management of strategic risks. This failure raised questions about the effectiveness of its corporate governance in practice, particularly in managing its relationship with government and its customers.

In response to the evidence received and available in the public domain, including public evidence taken by the Public Accounts Committee, the committee made 36 findings and nine recommendations. I will reflect on a number of the findings and recommendations in what is quite a damning report.

The committee first recommended the shareholder ministers take a proactive approach to ensure TasPorts adhere to the requirements of the *Tasmanian Ports Corporation Act 2005*, which I referred to previously about the actual objective of that act, and the ASX Corporate Governance Principles and the Tasmanian Government Business Governance Framework. It seems that despite protestations to the contrary, the former minister had been regularly updated. It seems he was unaware of the extent of the problems with the port infrastructure and customer satisfaction. This needs to change and it seems that change in leadership is needed. I know we have a new Minister for Infrastructure, who now has oversight of this, and we are going to have further conversations.

Secondly, the committee recommended that the shareholder ministers ensure TasPorts take a transparent and accountable approach to interactions with shareholder ministers and parliamentary scrutiny committees to ensure the timely disclosure of material risks and issues. Whilst TasPorts took a more accountable approach to the GAA inquiry, the reason they were called back is a failure to adequately be transparent and accountable at the GBE hearing in 2023 when the then minister was at the table with them. As I mentioned earlier, since the tabling of this report, I have had many individuals contact me confirming that the report accurately reflected their experience when dealing with TasPorts.

With regard to maintenance and upgrades of port assets, the evidence revealed that whilst TasPorts was making efforts to maintain and upgrade its infrastructure, manage risks and engage with stakeholders, there were significant areas where improvement is needed. This was also reiterated by those who have contacted me since the tabling of this report. We also know there are some very old and aged assets, but the same could be said of Hydro Tasmania, which has a lot of old assets too. As the committee noted, the challenges with governance, infrastructure maintenance, project management, regulatory alignment and stakeholder engagement suggest that TasPorts must adopt a more proactive, transparent, customer-focused and strategic approach to its operations. Again, it is a matter reinforced by those who have contacted me since, including the evidence provided by TT-Line to the Public Accounts Committee, noting they had not been included in any customer surveys undertaken by TasPorts. They are a fairly significant customer, one would have thought. There are a number of key customers you would think would have been surveyed, including TT-Line. To me it was staggering that they were not included.

I was aware there were two customer surveys undertaken because one of the major stakeholders was not happy to participate in the customer survey when, in their view, unfiltered feedback was unlikely to be the outcome. When I asked TasPorts about customer surveys, TasPorts only referred to one survey, despite being questioned as to whether they had only done one and did not provide a copy of the one undertaken with the Tasmanian Minerals, Manufacturing and Energy Council. TasPorts, I am informed, had agreed to this additional survey promising improved transparency regarding customer engagement and feedback. Whilst TMEC was briefed on the report, from the information I have received very recently, a copy has not been provided to date and allegedly will not be provided to TMEC; it certainly has not been provided to the committee. This is an example of a lack of transparency and accountability that is another example of the deep-rooted cultural problems that exist within the TasPorts leadership. I will highlight further examples of this poor culture later.

The committee acknowledged the number and age of many of TasPorts' assets and note some of them are not fully utilised. We are an island state, very connected to the sea and very reliant on a safe and reliable connection from the land to the sea. However, as we are an island state with one port operator and thus entirely reliant on TasPorts, we need them to work for the benefit of all Tasmanians. Acknowledging the challenges of ageing assets, et cetera, it was evident that the transition to using advanced technologies for asset management, while commendable, does not appear to have fully mitigated the risks associated with TasPorts' ageing infrastructure. The evidence further suggested that whilst data collection and visualisation capabilities with regard to major marine infrastructure have improved, the translation of this data into actionable maintenance and risk mitigation strategies is less clear. This is a matter that has also been raised with me by others more knowledgeable in the area than me. It should concern us all if adequate assessment of key assets and maintenance or upgrades to facilities we rely on as an island state may not be adequately managed.

The committee also noted that the recurring issues with structural integrity at various ports implied that TasPorts may not be fully leveraging these technologies to their potential. There may be issues in the prioritisation and execution of necessary maintenance and repairs. This raises questions about the overall maturity of TasPorts' asset management system, and whether it can effectively support long-term infrastructure sustainability.

This is a matter the shareholder minister needs to be fully across. He may not be yet, but I am sure he is working on it. The committee did raise concerns regarding Berth 4 at Burnie Port, and the option of Berth 5 as a contingency for use if Berth 4 became unusable for a Strait Link vessel to berth. It has a number of really serious matters to be dealt with at the moment.

The evidence outlined on page 15 includes actions taken in response to this. The CEO stated:

We proactively identified some scouring and some undermining and we engaged appropriate engineering consultants to help us to identify the remediation, the repair works and through that process we identified some risk or concern of stability of that section and that is why we have implemented some control measures with our tenant Strait Link to put in place some load restrictions in an area 20 metres adjacent to the wharf face and it is precautionary.

To explain what that actually means, the Strait Link vessel berths with, pardon my non-maritime language, the back end of the boat backing in -

Mr PRESIDENT - The stern.

Ms FORREST - Yes, the stern. That is where the big door goes down at the back, and the ramp, and that is where they load from. It pulls alongside the wharf that goes all the way past the bow of the ship -

Ms O'Connor - You got one right.

Ms FORREST - Yes, that is correct.

Ms O'Connor - Probably on the portside.

Ms FORREST - Yes, just on the portside, is it? Well, it would be. But that area cannot actually be used. To make it clear, that is what we are talking about, when the CEO made those comments. They have put some load restrictions in there, at 20 metres adjacent to the wharf face. It is quite a large area. I followed it up with a question related to the possible relocation to, or use of Berth 5, for the Strait Link vessel. Berth 5 is where the new ship loader is, for those who may or may not be familiar with the Burnie Port area.

The CEO responded to that question with:

No, we're working on a contingency plan for Berth 5 if it is required, but we haven't required them to move to Berth 5 at this point in time. We have been open with Strait Link about the fact that we may require them, either during

the course of the works or if we were to see some increased concerns around stability of the wharf, to move to Berth 5, so as part of our corrective works we are looking to undertake and commit some works at Berth 5 to ensure that we can maintain the operations for our customer.

I then asked the CEO the following: 'I understand there have been some issues with Berth 5, like a rockfall and other challenges with it.' The CEO replied:

A rockfall? There may have been, but I'm not across any rockfall that has occurred at Berth 5. Certainly Berth 5 is a unique structure in its own right. We are planning to drive, I think, piles at Berth 5 and possibly looking at doing some dredging as well although it would be minor dredging.

I was a bit surprised that the CEO did not know with any certainty whether or not a rockfall or other incident had occurred at Berth 5, especially as this was being considered as a contingency for the Strait Link vessel should Berth 4 not be available.

TasRail has now completed a big new ship loader there. One would have thought you would have known about the condition of that wharf. In addition to that, if Strait Link had to move to Berth 5 from Berth 4, acknowledging they are sort of next to each other, it does add considerable traffic movement challenges with unloading and loading. The containers and all the freight go onto the northern side, which is where Berth 4 is, so there would be so many more traffic movements that would create a significant time and safety issue. They have not had to move. I was at Burnie Port recently, surprisingly, and I noticed that Strait Link is still using Berth 4.

In light of this and other evidence, and considering recent maritime infrastructure related faults and failures, notably at Berth 4 in Burnie, the committee recommended the shareholder ministers review the frequency and adequacy of the Wharf Structure Condition Assessment Manual (WSCAM) assessments undertaken by TasPorts. This should include the use of technology for early detection and intervention. To ensure timely actions are taken when critical infrastructure investment is required, either maintenance or capital works, the committee further recommended shareholder ministers review how TasPorts respond to the Wharf Structure Condition Assessment Manual assessments with regard to their forward maintenance and capital investment programs.

Whilst I am addressing the matter of Burnie Port, it was recently reported in the *Advocate* newspaper that TasPorts had increased the current lease fees on a wharf that is not able to be fully utilised due to these matters relating to the integrity of the aged asset. This is Berth 4 that I am referring to. It was suggested an increase in the order of 300 per cent on the current lease had been imposed. That is on a wharf that cannot be fully utilised, a 300 per cent increase.

I will mention this again later in my contribution, but I have heard figures from TT-Line of a 280 per cent increase up to a 400 per cent increase in lease fees in one hit with no capacity to stagger it over the coming years. Those costs will be passed on one way or another. I will come back to that. I know there are some legacy lease arrangements here, but this can have significant flow-on effects to the people of Tasmania who are paying for freight.

Ms Rattray - That was a question I was thinking of in my mind when you talked about those legacy arrangements, but would you not have thought that there would be a way to implement increases that were not going to hit like that?

Ms FORREST - One would have thought.

This was similar to evidence provided to the Public Accounts Committee inquiry into the new *Spirit of Tasmania* vessels: TasPorts had increased the current wharf lease fees for them by over 250 per cent with no additional or new services. That is on the current berth, Berth 1, which is where the current *Spirits* tie up. Some of those leases may be old, as I have said, and incurred legacy challenges; however, we know that increases such as this, apparently with little warning, would obviously need to be passed on to customers with the flow-on effects on that. This could have a serious and negative impact on the service itself and the Tasmanian businesses that rely on our ports. We all know we are an island state. Everything we do not produce for our own consumption relies on a shipping service that is economically viable for business and industry. If we do not grow it or make it and consume it on island, it either comes on or goes off or both. Sometimes product comes on to be manufactured further and is then shipped off again. I, and am sure the government, will be most concerned if these decisions negatively impact on a wide range of Tasmanian businesses that may decide to relocate closer to their markets to avoid these freight costs. This is a real risk that needs to be understood.

The committee also acknowledged the delays in finalising the scope of works required by the Australian Antarctic Program regarding the infrastructure required at Macquarie Wharf 6. The commercial agreements created risk to Hobart's status as an Antarctic gateway. When we were taking evidence, that was a very live and very real issue and a very real risk, that we would lose that gateway status. I think we are all very aware of the importance of maintaining Hobart's status as an Antarctic gateway to Australia, and the committee recommended the Tasmanian government take a proactive approach to ensure that status was not lost.

Ms Rattray - They took that on board already.

Ms FORREST - Yes. It was pleasing to note that on 16 October the Australian Government had agreed to provide \$188 million to fund the necessary works at Macquarie Wharf 6. I believe it was after the two governments got together as opposed to dealing directly with TasPorts at that stage.

The committee found that TasPorts was not willing to take responsibility for trying to work constructively with the Australian Antarctic Division (AAD) to achieve this outcome. This was reiterated in the *Mercury* newspaper on 16 October in an article by David Killick that stated:

Wharf construction will be managed by the state government and will begin next year.

The breakthrough agreement comes after TasPorts was sidelined from long-running negotiations between the state and federal government after being accused of pricegouging for demanding \$515 million over 30 years to redevelop the wharf for an equivalent of 14 times the current cost.

TasPorts CEO Anthony Donald said it was the Australian Antarctic Division's fault for failure 'to plan ahead'.

A similar problem has affected TT-Line's new ferries.

There is a pattern here. This reflects what the committee heard as well as the evidence taken by a Senate inquiry into this matter. It does demonstrate an adversarial approach to working with customers and stakeholders. Findings 10 to 25 outline a number of concerns related to key TasPorts infrastructure.

I will comment on those that I have not already touched on - as they sit at the heart of what the committee heard. We know that further evidence related to the Devonport Port is reflected in evidence before the Public Accounts Committee. We did not cover a lot of that matter because that is still a matter before the Public Accounts Committee.

With regard to Grassy Port on King Island, the failure of a bollard was attributed to overloading of the bollard rather than inadequate maintenance, leading to plans to upgrade the bollards to accommodate higher loads. TasPorts is undertaking work, which is still ongoing, to determine the tonnage rating of all bollards at Grassy Port and consider raising them from 30 tonnes to 80 tonnes. I was led to believe this work would have been completed by now. My last check in with King Island was that it is not but it must be getting very close because they have apparently got rid of the tug which was there to hold the ship in place.

I think members are well aware of the frustrations and challenges King Islanders have had with TasPorts including an infrastructure running a shipping service as required by the government or demanded by the government. I have heard and I know the people of King Island have heard - not likely from the TasPorts workers who they have a good relationship with - but from above and from ministers in the past, comments along the lines that King Islanders are a bunch of whingers who are never happy. Comments such as these rile me and my community of King Island. I know that Flinders Island residents also have similar frustrations and I have heard that from them too. I have heard from the mayor and other people on Flinders Island who have contacted me as a result of this inquiry.

As you will note as I progress in my contribution, these comments are not unfounded and many other key customers have equal concerns; apparently there are many others who feel unheard or unresponded to in their criticisms of TasPorts' operations. In Devonport, which I will come to, it seems the shipping operator has been required by an infrastructure company that operates critical port infrastructure to construct critical infrastructure and anyone who is watching the Public Accounts Committee hearing would know that Mr Gemell himself suggested that was a failure at the start. When I asked him directly if he knew what he knows now, then where did the problems start, he basically said we should not have a shipping company, a ferry operator, tasked with building wharf infrastructure they are not going to own and that they are just going to lease.

That is history but we are paying the price for it. The people of Tasmania are paying that price and our minister has already paid that price as well, and a chair and a CEO.

It seemed to the committee at the time that no-one wanted to own any of these decisions and preferred to blame others. We still see elements of that. With the King Island bollard failure TasPorts laid the blame with the captain of the Bass Island Line vessel, the *John Duigan*. That

is, incidentally, owned and operated by TasPorts but let us blame the captain anyway, saying it was because larger ropes have been used on the vessel. That may well be true but rather than taking some responsibility for the business you own, let us just blame the captain. In Hobart, it was the Australian Antarctic Division to blame for not being able to write the necessary specifications for what TasPorts called bespoke facilities. Now, this may or may not be true, but it seems that TasPorts wants to blame everybody else and not actually get on with fixing the problem. In Devonport, it was the TT-Line to blame due to the bespoke nature, the same words used on both occasions, of their requirements. TasPorts are the owner, operator, maintainer and facilitator of infrastructure that is critical to the success of the island state. They may well have legitimate issues, and I do not doubt they do. However, when we look at the whole picture, it is one of blaming others, seeking to shift the costs and risks onto others and not responding in a productive way to genuine customer concerns.

Ms O'Connor - Arrogance.

Ms FORREST - If it were just one or two customers or other key stakeholders making these claims, it would not be so damning and I would not be having the rant that I am, but I will go on as I wish to provide some feedback I have received following the release of the report.

Ms Rattray - I thought you had been quite measured, member.

Ms O'Connor - It is a very structured rant if it is a rant. Very structured, very informed.

Ms FORREST - I have, yes. I have already referred to the findings related to the Hobart Port, but with regard to the Devonport Port, noting the Public Accounts Committee is also looking extensively at this matter, the committee found that whilst Devonport QuayLink project remained on schedule and within budget, complications had arisen regarding the delay to Devonport Berth 3 to accommodate the new larger TT-Line *Spirit of Tasmania* vessels. Some of this is getting a bit old now because I had intended to progress this note in the report some time ago. Things have moved on slightly since then. TasPorts has been directed to augment Devonport Berth 3 during the transition period to accommodate both the new larger and current smaller vessels. The Public Accounts Committee heard a lot of evidence yesterday as to why that was not going to happen and that evidence will all be published as soon as the *Hansard* is available.

In addition, the increased size of the new TT-Line vessels and the need to berth at Devonport Berth 1 temporarily has resulted in the increased risk to both the new TT-Line vessels and the SeaRoad vessels. We had Mr Chas Kelly, the owner of SeaRoad, here before the Public Accounts Committee yesterday to express his views on the matter. The committee found that to accommodate the current and new TT-Line vessels and the SeaRoad vessels, significant modification to Devonport Berth 1, which is the berth for the TT-Line vessel, and Berth 2, which is the SeaRoad vessel berthing area, is required to ensure safe operation of these vessels. At the time the evidence was received, this unscheduled work was still to be scoped and costed. Since then it has been done and found to not be viable from the government's perspective, as I understand it, based on the report by Mr Peter Gemell and Mr Ben Moloney, who undertook that work.

The Devonport Harbour Master has been clear he will not allow the new TT-Line vessel to berth at Berth 1 whilst there is movement of the SeaRoad vessel, noting that both these vessels are in port every day except for Sundays with SeaRoad. Further simulation was

conducted on 8 October to understand that risk and we know that showed that the risk was quite great. As Mr Chas Kelly said, if one ship runs into another ship, it is not just a matter of popping down to the body works department. Both vessels, depending on the extent of the damage, would need to be sent to Singapore and you can only imagine the impact that would have on our state.

We now know the cost of this work will be limited in that and it is pretty much predicted by everyone who saw the situation that this would never work. It would be unsafe and therefore an unfeasible option. Even if they could have done extensive work to Berth 2 and move Chas Kelly's SeaRoad vessels farther up the river, that would add an additional cost to his operating, as he noted yesterday in the Public Accounts Committee hearing.

In any event, the Harbour Master was concerned about safety, as were TT-Line and Mr Kelly. Whilst we should not throw good money after bad, we do and we will spend a whole lot more figuring out what to do. This is a stuff-up of monumental proportions.

There is a lot to play out on this matter. The Public Accounts Committee will continue to investigate this matter as we need to fully understand the government's failures of both companies and government, here and also the ultimate cost to the people of Tasmania.

Members will note the committee also reported that TasPorts exhibits an adversarial approach to dealing with some customers and other stakeholders. From evidence received by this and other committees, as well as information provided directly to me since the tabling of the report and matters reported in the media, TasPorts seems to want to take an approach of blaming others for the problems and not taking responsibility for matters that are clearly its responsibility. Our report notes this adversarial approach does not reflect contemporary governance, business management practice or business operations.

Just to remind members, and I am sure we do not need reminding, but TasPorts is owned by the people of Tasmania and whilst it must meet the requirements of the *Corporations Act* and the *Tasmanian Ports Corporation Act* as well as other key government requirements as a state-owned company, this must be balanced by keeping the best interests of Tasmania and Tasmanians at the centre of what it does.

Considering customer feedback received, the committee recommended that the government reviews TasPorts' customer research report and engagement processes to determine whether TasPorts takes a customer-focused approach to business and provides any guidance as deemed necessary in response. That includes all the customer surveys, including the one that was not provided to the committee. The shareholder minister should also ensure all customers are surveyed, not just some, and feedback is reported transparently.

The committee also reported on discussions and negotiations related to a tripartite deed of agreement between TasPorts and Marine and Safety Tasmania and the Environment Protection Agency. As far as I know, this still has not been resolved. I know that TasPorts expressed a preference for the marine regulatory functions to be transferred to MAST with the aim of avoiding potential conflicts of interest and achieving better balance between commercial operations and regulatory oversight. The potential conflicts of interest inherent in TasPorts' current dual role as both operator and de facto regulator are evident. I understand that agreement has been extended again more recently, once it got to the drop-dead date again.

Regarding a lot of this potential conflict of interest, the committee recommended that the government consider concerns raised and any recommendations from TasPorts, MAST and the Environment Protection Agency to determine the future maritime regulatory framework in a timely manner, rather than just kicking the can down the road.

The committee further recommended, especially in light of evidence suggesting that TasPorts' record of customer and stakeholder engagement has been lacking, that any transition associated with change to the maritime regulatory framework be managed transparently, including engagement and effective communication with all stakeholders.

Since the Legislative Council government business scrutiny of TasPorts in December 2023, TasPorts has taken steps to identify and respond to the psychosocial risks in the workplace and advised it is working on implementing ISO 45003 standards for managing psychological health and safety in the workplace. That is a legal requirement. It is important it had at least commenced that work. There is clearly more work to be done in this area and further scrutiny of TasPorts should include assessing progress on these important matters.

Before I conclude, and I look forward to other members' contributions, as I mentioned at the beginning, I want to share some of the information I received from a significant number of members of our community. There are others I could refer to, but I want to refer to some of these because they cover a vast range of differing poor experiences of stakeholders and customers. These accounts come from all parts of the state, from both our Bass Strait islands, the west coast, the north-west, northern and southern Tasmania. I have been appalled to hear so frequently about what can only be described as unacceptable practices that are not in the interest of the owners of the business - that is you and me. I have de-identified many of those at the request of those who provide the information or because I think it is appropriate to keep their identities private.

The first one I will refer to is a public letter to the editor from the *Mercury*. I did not actually bring that with me, sorry, so I will not quote that one, but that was a letter to the editor in the *Mercury* that was very damning, very soon after this all came out.

Another message I received stated, and I will paraphrase: noting the recent report on TasPorts' operation that was tabled, thanks for trying to wrinkle out some responses from this secretive outfit. The antagonistic nature of the organisation to its customers, clients, one assumes is real, but I would say it goes broader than that. TasPorts is a totally aloof organisation.

This person informed me that they sat on a subcommittee for four years in an area with a port that is critical to the state. They said, 'Not once did they bother to turn up to discuss their vision for this area as they are a major owner and manager of key sites, despite continued requests to attend. They simply seem to see these areas as places to collect money for parking cars, fees for passing cruise ships, while hardly spending a dollar on the disintegrating infrastructure.'

Another email I received from a TasPorts customer:

I saw in the ABC article regarding your inquiry where Anthony Donald said that TasPorts were on a continuous improvement process and the observations are reflective of our ongoing work. The company was in the

middle of a customer engagement process that would inform a proactive, positive engagement approach to customers.

That's a quote from the article that this person sent me. They continue:

In light of what they have put our company through since we bought the Bridport-Flinders Island shipping service, the above is enough to make me want to vomit. If what is quoted is true, he should not be running that business. Attached is a draft of the latest stevedoring licence TasPorts wants us to sign. This process of intimidation has been going on for 15 years, well before we bought the business. They were discounting the fees to our competitor and increasing fees for us because we wouldn't sign the document. We won't sign it because we cannot get acceptable liability insurance to a bank with the indemnities they insist on.

I am not saying who is right and wrong here, but it shows the relationship. He goes on to say:

Attached is a briefing note I put together around suggested remedies to get the two boats into Grassy in fine weather. I have given this document by email, then by hand. I've been harping on about it for 18 months to the Minister for Primary Industries, minister for Transport, the past treasurer and Minister for Infrastructure, and the Premier, and all their chiefs of staff. I've given up talking to TasPorts directly because they just don't respond. They know I want answers. I'm not going to rest until I get the answers I need regarding what is really behind this night-time ban. The Devonport berth stuff-up is shocking enough. Worse, however, is we have a situation in Grassy where the entire Tasmanian government can't get organised enough to fix a lead light that would double the capacity of that little port. In fact, it's worse than this because no-one can tell me if the lead lights are actually the problem. Then it gets worse again. Even if the lead lights are fixed, no-one can say if that will do the trick to double the daily efficiency of that facility in fine weather.

Obviously, this is a very aggrieved person, and I am just repeating what they said. Some might suggest that this is just one angry customer, but for all the other emails, phone calls, et cetera, that I have received.

Here is another, quite different, account that I will again paraphrase: I saw the ABC News article about your recent review of TasPorts. My child attends a Hobart-based school and they recently had planned a visit, an excursion, to the RSV *Nuyina*. Sadly, the excursion did not go as planned and they had to take a taxi. That is, the students visiting had to take a taxi. TasPorts denied entry to the group, even with *Nuyina* staff present at the gate and offering to transport the seven young students and six adults in their vehicles privately. The sense I had from the information from the child was a general sense of fear on TasPorts' side to contact anybody in a position of authority and a general sense of pessimism from the *Nuyina* staff that a solution would be found, which suggests to me a somewhat toxic and harmful environment for all to operate in. My child recounted that while at the gatehouse, approximately 40 to 60 minutes sitting there waiting to try to get in, they saw one truck, one vehicle and two bicycles go in.

Ms Rattray - It was busy that day, then.

Ms FORREST - Yes. This parent followed up with an email, which they did not even receive an acknowledgement of. The email to TasPorts in part read:

Good evening TasPorts, I hope this message finds you well. This evening I was looking forward to hearing my child's excitement about the planned excursion to the RSV *Nuyina*. Instead, I was met with disappointment as they recounted the numerous obstacles that TasPorts placed, which unfortunately hindered the success of the event. I understand the importance of maintaining safety and security protocols at our ports, however, I was surprised to learn that due to an unplanned change in transport arrangements, the final 50 m of the journey to the RSV *Nuyina* became a significant challenge. The taxi transporting the group was denied entry and despite the presence of RSV *Nuyina* staff and offer of transport through their vehicles, these offered alternatives were denied. Given that the group consisted of seven 13-year-old children accompanied by six adults, including four staff members from RSV *Nuyina*, I find it difficult to comprehend the level of risk they pose to TasPorts. I believe a more senior representative from TasPorts could have assessed this situation and found a reasonable solution. It is disappointing that no resolution was reached, especially given the statement on your website that 'TasPorts proudly connects people, products and solutions for the benefit of all Tasmanians'. Unfortunately, this experience has left a very different impression. I hope this feedback is taken into consideration, that future events can be managed more effectively.

As I said, Mr President, no response.

Ms Rattray - No response.

Ms FORREST - While one could say facilitating school visits is not their core purpose, and I agree, one would think in such circumstances a solution could have been found, especially as it had been planned and was not an unscheduled arrival of a group of kids.

One that arrived from a senior industrial officer of the Australian Maritime Officers Union (AMOU) following a phone call, which was followed up with an email I read on Monday 16 September, noting the report was tabled on 18 September, was in response to the public evidence provided to the committee on 12 August. The reason I put those dates in is that this arrived just after we had finalised the report. The email said:

I'd just like to run through the concerns of the AMOU has with the short inquiry process into TasPorts. During the inquiry, the Chairman, Anthony Donald, was asked by the committee about the TasPorts pilot agreement and where the negotiations work currently, to which he replied they had an agreement with the pilots.

Members might recall the pilot strike that occurred.

As lead negotiator for the TasPorts pilots, I can confidently say that there has not been any agreement between the parties to date.

That date was 16 September.

At the time the questions in the inquiry were raised to the Chairman, there was a settlement position from the AMOU tabled and we were waiting on a reply. So, naturally, when we heard that there was an agreement, we were surprised and reached out to TasPorts immediately only to be informed that they were unaware of what was said at the inquiry and had to get further instructions. We were later informed that there was no agreement on the AMOU position and negotiations were still ongoing. There have been several more attempts to finalise the EA with no avail and TasPorts have now told the pilots that should they not agree to the latest offer from TasPorts, then previously agreed positions will be retracted.

Ms Rattray - Through you, Mr President, so the committee was misled?

Ms FORREST - That is what they are suggesting.

Should the Chair need any further information, we'll be happy to help in any way necessary.

Other than my asking him to put what he said to me on the phone in writing, we did not take that any further because the committee had completed its work. There does, however, need to be further scrutiny of TasPorts, particularly to monitor how it is proceeding with a number of these areas.

The report was completed and agreed to by the committee. This is another poor reflection and, while some matters may have been agreed on, there was no formal agreement between the pilots and TasPorts on 12 August at the time of the hearing. The negotiations remain ongoing and the AMOU has requested a meeting with TasPorts, which they have refused so far, up to the date that I was sent that email.

Another email:

I'm contacting you as a normal taxpaying citizen of Tasmania who has sat back and watched this whole nightmare unfold with a combination of comedic and tragic consequences. If nothing else, I feel better in my mind for having done so. TasPorts, their apparent inability to talk or be interviewed publicly by the ABC or anyone else on numerous occasions has left a sour taste in many people's minds.

I note the CEO did eventually go on the ABC with Leon Compton but did not provide much insight. This person's message goes on:

This was amply displayed in not only the TT-Line fiasco but the recent situation with Antarctic icebreaker *Nuyina* that was refused transit of the Tasman Bridge to refuel 800 m away at Selfs Point. The reason given is that in simulated worst-case scenarios it may lose control and stability, thus endangering the Tasman Bridge.

A serious concern, Mr President.

Having spoken to a retired TT-Line master who has commented on those simulated conditions, they included total engine failure and gale-force winds all at the same time which may render the vessel uncontrollable.

This is this person's view. I am not the expert who can account for the validity of their concern.

He also commented that this was easily remedied by permitting the vessel to transit only in low-wind conditions and be tethered to two tugs, which is often done on many other vessels transiting the Tasman Bridge. It has also been pointed out that the existing fuel ships which unload at Selfs Point are capable of carrying three million litres of fuel, are of higher gross weight and have larger overall dimensions than the *Nuyina*.

This also does not include many of the zinc-concentrate ships that transit on a regular basis. As an outsider looking in, I could not be blamed if I were to think that there are some issues that have occurred in the past between TasPorts and the Antarctic Division, and it would appear others including TT-Line, that have caused such an appalling situation to exist whereby it has to travel to the north-west coast to refuel.

I will not bore you with a lack of action to upgrade the existing loading wharf that the *Nuyina* is moored at, which is slightly falling apart due to concrete degradation, as I am certain you are aware of that as well. The inability or intentional blocking of TT-Line to access Berth 3 at Devonport to carry out drill samples has been covered by yourself at a committee. The old Tassie pastime, parochialism and state-government fiefdoms exercising their own in-house petty territory squabbles and getting-evens games appears to still be alive and well.

This person also had a number of other criticisms of TT-Line, which are more relevant to the PAC inquiry, so I will leave those comments for another time. However, they also made comments relevant to the role of the shareholder ministers. They wrote:

The last time I checked the minister was living in Launceston, which is approximately one hour from Devonport. How in 2024 is the responsible minister not aware that anything is happening in construction of the berthing facility in one of the state's biggest financial purchases? As I said before, he lives an hour away. Did none of his advisers just happen to mention there seems to be something missing? Did he not at some stage in the last two years happen to be up there for a Sunday drive or possibly ask himself where does this ship berth? Everyone was aware from the outset that it would have to go to a new berth facility, to then watch this minister glibly say he was not informed correctly does not pass the honesty test.

That is the end of that person's comments. I wish to also share another piece of disturbing material related to TasPorts provided to me by West Coast Council. I have referred to this in an adjournment speech.

As members will be aware, TasPorts transferred ownership of the Strahan Wharf to the West Coast Council in October 2023. While this was by mutual agreement, my understanding is that council felt this was the only possible way to progress the Strahan Waterfront Redevelopment Project, which was originally announced in 2021 and for which the council was to receive \$3.375 million from the state and federal governments. TasPorts had indicated the project would not proceed within the required time frames if the asset remained in their ownership.

Throughout the transfer it has been challenging, to say the least, to get the information from TasPorts on the asset and TasPorts have advised that they do not hold a condition report or other detailed information on it. Managing an asset of this size and complexity to a degree is a huge challenge for a small remote council, let alone one without an understanding of its condition and future maintenance requirements.

When you are trying to account for this in your financial reports, it becomes very difficult. The Auditor-General was working with the council to try to figure that out.

In *The Advocate* - when I wrote this, it was yesterday, but it is not yesterday now, it was a couple of weeks ago - TasPorts was quoted as saying about the Strahan Wharf:

Mr Donald said TasPorts worked closely with the council and helped with improvements to make lease and service arrangements easier for it 'to manage and ensure the asset was handed over in the best shape to meet their needs'.

'Over the past decade, TasPorts' investment in Strahan Port included works to the Strahan fishermen's jetty, the main wharf reconstruction and work to the retaining wall, the Strahan cruise terminal refurbishment and the Strahan streetscape refurbishment.

'The council also undertook its own due diligence prior to proceeding and confirmed it had both the capital funding and the desire to acquire and manage these assets on behalf of the community.'

In reality, the council knew they did not have the skills to conduct a full due diligence, and at that time they were effectively over a barrel. They asked TasPorts for clear information to enable them to value this asset and fully understand the condition of the wharf, the maintenance requirements and the capital investment required. That had not been forthcoming from TasPorts. They were at risk, I said in an adjournment speech previously - they were told if they did not take it over, they would lose that \$3.3-plus million - a lot of money for a small council.

As you know, we are talking about a tiny community here with a low rates base. They are placed in an invidious position. It is a community reliant on tourism and agriculture, both of which require access from the harbour and the wharf to land. This is a small council that does not have the funds or equipment to undertake a full assessment of this wharf and the associated infrastructure to enable accurate accounting for this asset as required by the Auditor-General. Need I go on? There was a real power imbalance here, and the risk of losing

millions of dollars to a council such as this. Using that force in a handover was unconscionable in my view.

I note that at the time of the transfer it was noted in *The Advocate* that the west coast mayor, Shane Pitt, said - and this was quoted by TasPorts, too:

It is important for local communities to operate assets that have a significant impact on the local economy and the Strahan Wharf is a perfect example of this.

Strahan Wharf is vital in supporting our tourism and aquaculture industries, as well as general trade and traditional fisheries. This is key infrastructure which drives the local economy, so it is important we can now control our destiny [and] support the jobs and industries [that] are dependent on the wharf for income.

What the mayor was acknowledging was the critical importance of this wharf to Strahan and the west coast. It is true, and confirms my point, but the point is they could not afford to lose the money to upgrade this key asset, if they did not understand the value of it.

Interestingly, *The Advocate* had an online story which appeared in the paper on the front page the following day, on 31 October. I noted they were planning to note this report. That was delayed as we ran out of time, as members would be aware. As we know, it has been delayed until today. It made it much more interesting, because the following day, TasPorts has apparently had a change of heart. Yes. They have agreed to take the wharf back into their ownership. If I had done this noting when I was intending to, I would not have had that bit of vital information. Perhaps more interestingly, I received the following email from the West Coast Council that morning:

As you will have seen from the Strahan Wharf story on the front page of *The Advocate* this morning, we really appreciate everything you have done to bring this to light. We began receiving necessary asset information from TasPorts yesterday, after a productive call with Phil Hoggett from TasPorts, who has indicated that he is keen to work with us around what we are seeking to achieve with the wharf.

Seriously, I should not need to have a rant in this place to see a state-owned company responding to legitimate matters in a timely and respectful manner by a small council. I will be making sure this does continue, as far as has been suggested.

It was interesting to note, in *The Advocate* on 1 November I read that TasPorts expressed surprise at the situation and made an offer to take back the assets. I find this statement incredulous and interesting as I know the West Coast Council has been trying to engage with TasPorts on this matter since the handover in 2023. Whilst this change in direction is very welcome, I sincerely hope this is a fresh start for customers and stakeholder engagement.

The story continued:

Chief executive Anthony Donald said TasPorts would support the council wholeheartedly, given the council's concerns and 'subsequent change in direction'.

Good, great, let us hope it is the way it approaches all its interactions from here on, not just with the West Coast Council, but all those others who rely on interactions with it.

I did find it a little bit disingenuous, however, and hopefully a sign of a more customer-focused approach. We do need to remember the West Coast Council was boxed into a corner at the risk of losing over \$3 million if they did not agree. I cannot understand how TasPorts could be surprised by that. Mr Donald went on to say:

Our intention is always to support the communities where we operate and, if the council no longer holds the view it should operate Strahan Port, then we support them in that and will work with them on the best solution to reintegrate the port back into the TasPorts portfolio.

We also would like to see the best model for the port and would welcome discussions with council on their views on the formation of an advisory committee to ensure council has the opportunity to engage on the port's future.

They are making the right noises, but that sounds like there is still a bit of work to do. I will be watching.

Mayor Shane Pitt said in the media:

We are appreciative of TasPorts' offer publicly conveyed today, and will work closely with them to ensure any transfer protects the Strahan waterfront development project, including the slipway upgrade.

I will watch and keep in touch with my West Coast Council.

However, to relay another example of a less-than-helpful approach, another message. This is paraphrased. Early in the year, TasPorts placed an ad in the *Mercury* inviting people/businesses to register for an information session. This person applied via their company to engage in this session. They did not receive any invitation to attend. When they followed up, they were told it was for current users only. This was not clearly stated in the advertising. When this person pointed out their relationship with an important mining operation, they were told that they would do an individual one for them. That has not happened. This required the proponent to reach out to the Office of the Coordinator-General to in part discuss the difficulties they were having with TasPorts and how to resolve access to more space at the port.

We know how critical our mining sector is to our economy and getting these minerals out of the ground and onto the vessels into the market. Surely, we would see an interaction there when an individual reached out on this particular matter, but they were not an existing customer so they were expected to have a separate process, which never occurred.

Another matter raised with me recently was the great difficulty experienced by a company seeking to access a berth at Bell Bay that is being proposed as a future berth and

wharf area for offshore wind. We know the offshore wind farm is not likely to be an actual thing until a number of years hence, at least five or six years and maybe up to 10 years. There is a lot of water to go under the turbines before we get to that. We know this area is unlikely to be needed for offshore wind for at least five or more years. TasPorts had identified this area in the Bell Bay precinct for that purpose. The company tried really hard to work with TasPorts to get them to agree to building the necessary infrastructure to enable them to build a facility to bring decommissioned oil rigs onshore, dismantle them, pull them apart, send them off, then ship them out for recycling - appropriate processes to get rid of decommissioned oil rigs that are in Bass Strait and scrap them. I am informed that TasPorts was so very difficult to work with and allegedly refused to work with this possible tenant to enable activation of this area at Bell Bay and secure leases and other fees that would have been gone into TasPorts' coffers - from an alternate company that would be vacating the area before the offshore wind developments were needed in the area. I'm informed the company gave up. They just could not work with TasPorts. TasPorts would not actively engage with them in a way that was helpful at all and the company has likely gone to a port in Victoria.

One brief message that I received only a few days ago:

A colleague of mine passed on your recent comments regarding TasPorts. It is an appalling organisation, has a toxic culture, and hates its customers. I have had to deal with them for many years and it has not been a pleasant experience.

I have heard from several customers and former staff members of the verbally abusive behaviour levelled at both employees and customers by the CEO and another member of the leadership team responsible for commercial and trade. This is unacceptable.

It is one of the reasons the committee was focused on staff and customer satisfaction surveys. If there was only one person telling me that, I would not have raised it. It is not.

As I stated earlier, TasPorts are run by the people of Tasmania and whilst they must meet the requirements of the *Corporations Act* and the *Tasmanian Ports Corporation Act 2005*, as well as other key governance requirements as a state-owned company, this must be balanced with keeping the best interests of the needs of Tasmania and Tasmanians at the centre of what they do.

The committee also recommended regular and ongoing scrutiny of TasPorts be undertaken both at government business scrutiny and through other parliamentary processes to ensure the areas identified in this report requiring further attention are addressed in a timely manner.

I again make no apology for the length of this contribution. What we have witnessed here is a failure of governance deeply rooted in poor culture. As I wrote in an opinion piece published recently:

Government businesses are under the Premier's ultimate responsibility, along with the shareholder ministers including the Treasurer. The Premier and his shareholder ministers have, over the last 10 years, presided over a consistent deterioration in the state's corporate governance standards to the point

whereby the debacle of the new Spirits, the greatest governance failure in the state's history, became inevitable.

While this state simply does not have the economic engine to endure repeated mistakes the size of the *Spirit of Tasmania* debacle, we need to ensure this does not occur again. However, it is important to note that the *Spirit of Tasmania* debacle is not a lone data point. It is not a blip on the otherwise unblemished governance record. Rather, it forms a part of consistent downward trend in governance standards, reflected by a 'no interest in looking back' approach.

As I noted in my opinion piece, perhaps at other stages in our lifetimes had the government committed to so many large intergenerational infrastructure projects where the consequences reach far beyond the current election cycle, would it have been different? Large commitments bring large responsibilities with heightened obligations to ensure governance standards are optimised and to avoid a repetition of this mess. This is why more frequent and timely scrutiny of the major government businesses and state-owned companies which themselves need to be more open and transparent and honest about the challenges, which may be as a result of matters beyond their control, can be understood.

If we are to learn from the *Spirit of Tasmania* debacle and prevent future failures, we must understand the underlying factors. We need to understand how and why the other phase of good governance reported by the committee and in the many emails, phone calls and meetings I have had since the tabling of the report have occurred. We need to look back to prevent making the same mistakes again. Debacles such as these are not the problem in and of themselves, but rather a symptom of deep cultural dysfunction. Failures of governance are always intertwined with poor culture and both tend to have deep roots.

I note the government, to its credit, has called for a review of the governance of government businesses. I personally hold great concern about putting together a number of GBEs or state-owned companies. I know when State Growth was put together with nine ministers-plus reporting to it, finding anything in that is like putting your head into a dark hole and hoping for the best.

Ms O'Connor - Multiheaded hydra of a department.

Ms FORREST - I mean, this and, as I recall, about 15 years ago there was a look at perhaps pulling TasRail together with TasPorts, noting that they do interact at the wharf in Burnie very intimately, shall we say? The fantastic new ship loader there is a credit to TasRail. On time, on budget, and I went and visited and they were actually loading a ship the other day but that was looked at then and at that time, as I understand, there was no net benefit. When you have a very infrastructure-heavy business here, TasRail, and another very infrastructure-heavy business here, TasPorts, you can only imagine the competition for funds that will go on. I think it is highly problematic. I will have other opportunities perhaps to say more about this and I will be very keen to discuss it with the Minister for Infrastructure and his role there. It is not just those GBEs that we are talking about necessarily.

We must ensure we have a very contemporary governance framework and cultural problems need to be dealt with. As was evident in the GBE and GAA committee hearings and reflected in this report, the TasPorts Chair and CEO took an adversarial approach to members seeking information relevant to the assets we own and the people we represent. This is

unprofessional and reflective of poor culture. These problems with culture are sadly not new. In 2019, the same TasPorts CEO was questioned in the media about poor culture and high management turnover. The frequent turnover of senior staff at TasPorts should and was ringing alarm bells. For an organisation that has a monopoly over services, culture rather than revenue should have been its priority. Yet, in the inquiry it was disclosed that some of the employee surveys had not been completed for some time.

For an organisation with an average retention rate of little over four years, it emerges that an average employee has not completed a survey. The absence of surveys suggests a board with an indifference to shifting the needle on culture and is consistent with the ongoing trend in senior management turnover. These cultural problems have a knock-on effect for governance. The lack of a permanent chief financial officer, a CFO, and/or the high turnover in this role exposes the company to unnecessary risk. A CFO acts as a counterbalance to the CEO and the absence of continuity increases the risk that non-executive directors may not be provided with contemporaneous and complete information beyond financial information to make decisions. The absence of such a role can allow the chairman to act in a manner that demonstrates micromanaging, which we heard evidence of and I have certainly heard it since, or acting akin to an executive director and may go by unchallenged. When coupled with a close relationship with the CEO, and we know that is the case in this case, this threatens to subordinate the remainder of the board, and as chair of the audit and remuneration committees, can pose a risk of conflict of interest. I hope the minister has a really close look at this.

A retrospective look at these governance matters is crucial. You cannot just look to the future. We have to look at what is happening here and what has happened if we are to fully understand this mess. Central to board culture is the ability to evaluate and estimate risk in an accurate manner. This includes all areas of risk, from financial to asset management and more. The unwillingness to answer questions related to asset maintenance, particularly with regard to major wharf infrastructure at the GBE hearing in December 2023, was one of the key reasons TasPorts was called before GAA. It seems we were right to do so as many of the issues with the operational condition and many key wharfs were in a serious state. It seems Berth 4 was at risk of major failure, which requires relocation of the Strait Link vessel to a less suitable berth. We have heard much more about the debacle of Macquarie Wharf 6 and since have seen the federal and state governments trying to take over the process to ensure we did not lose our status as the gateway to the Antarctic.

We need the government and our government businesses to work for the benefit of Tasmania. The committee inquiry has shone a light on a bigger problem that became apparent. What became apparent was that many of the controls put in place to ensure good governance have been stretched, broken and circumvented. We see a concentration of objectives pushed far too -

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

QUESTIONS

Illawarra Road - Speed Limit

Ms RATTRAY question to MINISTER for INFRASTRUCTURE, Mr VINCENT

[2.31 p.m.]

You would be aware that there has been quite some amount of discussion, correspondence and requests from people who live on Illawarra Road at Longford. I am very interested in your understanding of where the request is to lower the Illawarra Road speed limit, given that there is significant support from members of the community and the Northern Midlands Council. An update on that would be very much appreciated. Thank you. I may have a follow-up supplementary question after the answer.

ANSWER

Mr President, I thank the member. Did we touch on this before?

Ms Rattray - I sent you an email last week, but you have obviously been busy and I thought I would take this opportunity.

Mr VINCENT - Emails seem to be somewhere there at the moment.

Ms Rattray - Piled high, I would expect so.

Mr VINCENT - We have had notification from the department that with upgrades to the road, it would not be sensible to look at knocking it back to 80 kilometres per hour. What has been approved is for the first section of that road, which is on the highway end, to go out to tender shortly. For the other two sections, more work is to be done on negotiating with the landowners along those sections of the road. That is about where it is at the moment.

Ms Rattray - Can the minister identify the highway end? There is a highway that way and a highway the other way.

Mr VINCENT - The Bass Highway end. That part of the road widening is largely unintrusive. That would be happening first. I can gather more information as it comes to hand on the other sections. I have received several emails from a couple of people over the last week asking for more information regarding a couple of landowners along there, which I will certainly look into and come back with more information.

Ms Rattray - I think obviously from my constituents in the McIntyre electorate. We will keep conversing. Thank you.

Cam River Bridge - Report

Ms FORREST question to MINISTER for INFRASTRUCTURE, Mr VINCENT

[2.33 p.m.]

The minister made some public comments around what may or may not occur with a second Cam River bridge. I understand the report was not going to be provided to the minister until early next year. It appears he might already have it. Has that report been made available to you, minister? When will you release it publicly?

ANSWER

Mr President, that report is not before me at this point in time. I do not have a time when that will be other than it is pending. With all reports like that, it will go through the proper process of being reviewed by myself and then going to Cabinet. It will become available when it comes out of Cabinet. I do not have a time at this stage.

Ms Forrest - Publicly available?

Mr VINCENT - I do not have a time until it arrives to me. I might look over my shoulder here. Shortly.

Ms Forrest - Shortly. I like that.

Mr VINCENT - It is being done at the moment.

Supplementary Question

Ms FORREST - Mr President, I have supplementary question on that. The minister did not address his mind to whether the report would have been made publicly available after the consideration of Cabinet in light of the significant public interest and expectation that we will get to see what has been proposed or not.

Mr VINCENT - I will just seek advice on that to get it right. I almost had it correct. It will go before Cabinet after we have had a look at it and it is up to Cabinet whether it will be released to the public then. Thank you.

Longford Fuel Depot - Driveway Crossing Permit

Ms O'CONNOR question to MINISTER for INFRASTRUCTURE, Mr VINCENT

[2.35 p.m.]

My question is also to the busy Minister for Infrastructure today and again it is about the Longford fuel depot. I ask this question, minister, on behalf of the Greens member for Lyons Tabatha Badger relating to the access permit at 26A Tannery Rd, Longford. The Northern Midlands Council Mayor has written to government requesting the Department of State Growth withdraw the driveway crossing permit. We have discussed this before in here, but you have advised that the Department of State Growth says there are no grounds to revoke the works

permit, which is somewhat surprising given the level of community concern about the permit and the development itself.

Minister, can you please confirm for the community and the council, it is a bit of a yes or no answer, but feel free to elaborate: do you or the Planning minister have the power to rescind the State Growth issued permit or is this wholly in the hands of the council that issued the DA and could appeal the TASCAT decision?

ANSWER

I shall seek some advice. At Sorrell, I had control of some things but not that, so I will seek some advice first.

I have no power to do that or overturn a TASCAT decision as per the decision that has been made. Thank you.

Supplementary Question

Ms O'CONNOR - Mr President, thank you. A supplementary question: given that we have a planning minister who is prepared to develop specific enabling legislation for a project within his electorate, the Stony Rise bill, which is a shocking piece of legislation, but I digress - does the minister's confirmation that he has no power to revoke the State Growth permit extend to the apparently now all-powerful minister for Planning?

Mr VINCENT - Thank you. I would not dare answer a question on behalf of the Planning minister and get yourself into enough trouble with that.

Ms O'CONNOR - It is your portfolio. The issue has been raised with you by your constituents.

Mr VINCENT - Yes, I am happy to take that question on notice and find out a little bit more detail for you. It is outside of my level of expertise at this point in time. Thank you.

Northern Suburbs Sport Facilities Budget - Budget Allocation

Ms THOMAS question to MINISTER for SPORT and EVENTS, Mr DUIGAN

[2.38 p.m.]

During budget Estimates on 25 September, the then minister for Sport, Nic Street, confirmed that of the \$49.7 million allocated for new southern Tasmanian sporting facilities, \$30 million is committed to the four-court multi-purpose facility in the northern suburbs. On 3 November you released a media statement announcing Claremont College as the location for a new \$28 million four-court indoor facility in the northern suburbs.

Minister, in the time between budget Estimates hearings on 25 September and your announcement on 3 November, it appears the budget allocation for this important project has decreased by \$2 million. Can you confirm, minister, has funding for the project decreased from \$30 million to \$28 million and, if so, why?

ANSWER

Mr President, we will seek some advice. It is an interesting question.

In answer to that question, the \$30 million was money that was originally set aside for funding sports facilities in the northern suburbs. My understanding is that that includes \$2 million for progressing the gymnastics centre in Brighton municipality. So, \$28 million for Glenorchy Sports Centre, very positive, and \$2 million to help Brighton progress the gymnastics centre.

Northern Suburbs Sport Facilities - Budget Allocation - JackJumpers' Effect

Ms THOMAS - Thank you Mr President. My understanding from the budget Estimates hearings was that, of the \$49.7 million, \$30 million was for the four-court multipurpose facility in the northern suburbs, \$15 million was for the JackJumpers' high-performance training centre, and the remaining amount was for the gymnastics centre at Brighton. It now appears that the JackJumpers high-performance training centre budget is up to \$17.5 million, approximately.

So, can the northern suburbs big community be assured that \$30 million will be allocated to community facilities in the northern suburbs regardless of the budget allocation for the JackJumpers' high-performance training centre, and that the northern suburbs community is not being shortchanged because the cost of the JackJumpers' high-performance training centre has increased?

Mr DUIGAN - Mr President, I am certainly happy to commit here on the floor today the \$30 million will be spent in the northern suburbs of Hobart to deliver sporting infrastructure and won't be impacted by the JackJumpers' high-performance facility; that is a separate project.

Budget Efficiencies - Error

Mr EDMUNDS question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT referred to MINISTER for WOMEN and the PREVENTION of FAMILY VIOLENCE, Ms PALMER

[2.42 p.m.]

My question is number 95. In response to a question on notice from the budget Estimates process, the minister, Ms Ogilvie, revealed that budget efficiencies totalling \$1.786 million were 'included in error in the state Budget'. Could the Leader outline:

- (1) Whether these efficiency dividends have been reallocated to other agencies or elsewhere within the same agency?
- (2) If the efficiency dividends have been reallocated, where have they been reallocated to?

- (3) If they have not been reallocated, can the minister confirm the total quantum of savings anticipated from the efficiency dividend has been reduced by a corresponding amount?

Mr PRESIDENT - The honourable Minister for Women and the Prevention of Family Violence.

Mr Edmunds - Sorry, I asked the wrong person.

ANSWER

Thank you very much, Mr President, and I have an answer to that question as the new Minister for Women and the Prevention of Family Violence.

- (1) The full budget efficiency dividend (BED) allocation relating to the \$1.786 million allocated to the Department of Premier and Cabinet (DPAC) over the four years in the 2024-25 state Budget remains within the DPAC budget. These efficiencies will be met from within the DPAC budget and have not been reallocated to other agencies.
- (2) DPAC has undertaken an extensive review of its staffing establishment, management practices and salary budgeting. This will result in a reallocation of the distribution of the budget efficiency dividend (BED) across DPAC outputs. This review includes funding salary budgets at the current paid FTE, bringing the salary budget allocation in line with the actual salary costs. Tasmania's Third Family and Sexual Violence Action Plan: Survivors at the Centre 2022-2027, which is Output 7.5, has been quarantined from this process and the BED applied to that output removed.

Through this review, the BED erroneously allocated to Output 7.5 will be redistributed across operational budgets in other DPAC outputs. As this is a change in methodology for the distribution of the BED, it is not possible to identify any specific output to which the Output 7.5 BED has been reallocated. To be clear, this is not a vacancy control process and will not result in any job losses within DPAC, nor will it affect the delivery of any key government priorities or service delivery.

- (3) The full savings originally allocated to Output 7.5 have been redistributed across other DPAC outputs. DPAC will achieve its full year 1 budget efficiency dividend saving of \$969,000 through its staffing establishment review.

Fallow Deer - Protected Status

Ms O'CONNOR question to MINISTER for PARKS, Mr DUIGAN

[2.45 p.m.]

I ask this question on behalf of our Parks spokesperson, Tabatha Badger. Minister, as you know, the State of the Environment Report, to which we are yet to have any comprehensive or even scant response from government on its recommendations, states that 'feral deer and cats have grown in numbers and range to the extent that they are now major pest animals and are likely having an adverse environmental impact across most parts of Tasmania'.

I do not know if your department informed you of this, minister, but this year feral deer have been photographed grazing on the critically endangered Miena cider gum. Recommendation 13 calls for the removal of protections of wild fallow deer from regulatory frameworks, including the Nature Conservation Wildlife Regulations 2023. Given the very significant impact of fallow deer on public protected lands for which you are responsible, and their potential to have an enormous impact in the future, what actions have you or your department taken towards enacting and responding to this legislation and taking the necessary steps to remove the protected status of this destructive introduced species?

ANSWER

Mr President, I thank the member for the question and her interest in it. It is one that occupies plenty of government and departmental thinking about how we deal with a range of feral animals in our parks and in our peri-urban spaces and things of that nature. I note that the removal of the protected status is an issue that sits in Primary Industries and Water, not in the Parks space.

I would, however, point to the great deal of work that Parks has done in the space. There has been aerial culling in the Walls of Jerusalem National Park, and peri-urban deer culls are currently underway on Bruny Island and in other areas of the state. I recognise the sensitivities and difficult nature of that work. Certainly from a Parks perspective, we understand the seriousness of it. We understand the threat posed by feral animals in whatever shape or form they might take to our spaces and we are looking for ways to reduce those impacts.

Deer Eradication - Funding

Ms O'CONNOR question to MINISTER for PARKS, Mr DUIGAN

[2.49 p.m.]

A follow-up question to that, minister, and it relates to funding. First of all, can you confirm you are not responsible for the Nature Conservation and Wildlife Regulations 2023? Would you like to take that on notice? I can check the administrative arrangements.

As a result of the Tasmanian Wilderness World Heritage Area Deer Control Project, federally funded through the Australian Heritage Grants Program, more than a thousand deer were culled over the two-year period in the Walls of Jerusalem National Park. Such important work, we can agree on that. Did Parks and Wildlife apply again for Australian Heritage Grants funding to survey and eradicate deer within the Walls of Jerusalem National Park and

surrounding reserves? What funding has been allocated to further controlling deer numbers across the state and particularly in areas of your responsibility in our protected lands?

ANSWER

Yes, I can confirm that the Parks service has applied for a second round of funding of Australian Heritage Grants - funding for biosecurity threats in whatever form they may take.

Ms O'Connor - And that would include deer? For the *Hansard*, that was a consenting shrug, was it?

Mr DUIGAN - Security threats in whatever form they may take.

Ms O'Connor - And that would include deer? Just for the *Hansard*, that was a sort of consenting shrug, was it?

Mr DUIGAN - Look, biosecurity threats, in whatever form they may take.

Southern Tasmania Sporting Facilities - Budget

Ms THOMAS question to MINISTER for SPORT and EVENTS, Mr DUIGAN

[2.51 p.m.]

Again, the budget Estimates *Hansard* transcript from 25 September has in black and white that Mr Street, at the time the minister for Sport, confirmed that of the \$49.7 million for southern Tasmanian sporting facilities, \$30 million was for the four-court stadium in the northern suburbs, \$15 million was for the JackJumpers high-performance training centre, and \$4.7 million was for gymnastics facilities in the northern suburbs and project administration and planning costs.

Has this allocation changed? Can you confirm what the breakdown of that \$49.7 million for southern Tasmania sporting facilities looks like, and confirm that the users of the to-be-constructed four-court stadium will not be shortchanged by \$2 million on what was a \$30 million commitment for this facility?

Ms O'Connor - Excellent question, very good local member.

ANSWER

Mr President, a little bit of commentary from the sidelines? Thank you.

Members interjecting.

Ms O'Connor - That is exactly what you want from the local member.

Mr DUIGAN - Happy to commit, as I said previously. What we are not seeking to do as a government around community sports facilities is shortchange anyone. We are investing very substantially because we understand the benefits - whether they are physical, mental or

wellbeing benefits. We are leaning in like nobody's business into community sports infrastructure.

I am very happy also to add to announcements made at Kingborough Twin Ovals today for the home of the Tassie Devils football team training and administration facility. A positive outcome there. I am happy to take it on notice and give you a breakdown of where the \$49 million will be spent. We will provide that detail to you in the forthcoming hours, days and weeks ahead.

Tasmania Devils Football Club Facility - Time Line

Mr EDMUNDS question to MINISTER for SPORT and EVENTS, Mr DUIGAN

[2.53 p.m.]

I have not seen the media release or much commentary from this morning's announcement, but I was wondering if we could have an update on the planning. Which pathway will it go through, and perhaps what date might we expect it to have cleared approval?

ANSWER

Mr President, I will come back to my comments around this morning's very positive announcement about the training and administration facility for the Tasmania Devils Football Club being announced for the Twin Ovals at Kingston. For the 200,000-plus members of the football club, this is a hugely positive day. It is a concrete step in the direction of delivering our AFL teams into the AFL, the AFLW, the VFLW, the VFL, and our academy programs as well. I am very pleased to be able to have made that announcement this morning and be off and running to deliver that facility by no later than 31 October 2027, noting that our men's AFL team will commence playing in the AFL in 2028.

The planning, time lines and paths to be chosen around that are probably a work in progress. I am happy to take some advice if that is something we have at hand here.

This particular project is going through the normal council planning approval. The department has been working on that approval process. I do not have hard time lines in front of me. What we have is a very hard end date that we can and must meet. The build at Kingston gives us that opportunity.

JackJumpers High-Performance Training Centre - Budget

Ms THOMAS question to MINISTER for SPORT and EVENTS, Mr DUIGAN

[2.55 p.m.]

The Public Works Committee hearing into the JackJumpers high-performance training centre that occurred the week before last heard that the budget for the high-performance training centre is now \$17.67 million. The government had previously committed to investing \$15 million in the JackJumpers high-performance training centre. Can you confirm what the government's investment in this high-performance training centre will be? What dollar amount will the government be contributing? If it is changed from \$15 million, will that be funded by

the government or will the government seek investment from the private business owner of the JackJumpers?

ANSWER

Mr President, I will seek some advice. As is well known in the public realm, the government has committed \$15 million to the build of the JackJumpers high-performance training centre. That is our current position and any change to what is required will need to be dealt with in a budgetary process or by virtue of the JackJumpers seeking further funding.

Bass Highway - Sightlines and Works - Flowerdale Property

[2.56 p.m.]

Mr VINCENT - I have an answer to a question. I apologise to the member for Murchison and to the Clerk for not applying proper process and putting it on your seat. We will correct that process from hereon in.

Ms Forrest - I accept you are a novice minister.

Mr VINCENT - Very novice. Getting better every day, though. I think and hope. Trying, anyway.

This is from 31 October in response to the review into the line of sight at 17006 Bass Highway, Flowerdale. I can advise the project manager and the traffic engineer from the Department of State Growth visited the property owner on 16 May 2024 to discuss his concerns regarding sightlines when exiting his driveway. At this meeting and in a subsequent letter to the owner dated 14 June, it was agreed the department would investigate the matter further. It was determined by the department the sight distance could be improved and works were undertaken between 28 June and 2 July. These works involved additional steepening of the existing embankment, removal of vegetation and the installation of 'concealed entrance 150 metre ahead' signage. The project manager phoned the owner on 28 August to discuss the completed works and I understand the owner was happy with the improved sight distance when exiting his driveway onto the highway.

In response to the second question regarding the width of the road to allow turning into the driveway, I can advise the department has also discussed this matter with the owner. They explain the design in this location has provided a widening of three metres next to the through lane, allowing vehicles to pass on the left of a vehicle when stopped to make a right-hand turn into the driveway. This is a standard treatment for access into private properties from highways.

MOTION

Government Administration Committee A - Short Inquiry Process into the Operations of TasPorts - Report - Consideration and Noting

Resumed from above (page 35).

[2.59 p.m.]

Ms FORREST (Murchison) - I was very close to finishing my contribution and I will finish with what I was intending to say. Despite reiterating, we need the government and our

government businesses to work for the benefit of Tasmania. This committee inquiry has shone a light on a bigger problem. What became apparent was that many of the controls put in place to ensure good governance have been stretched, broken or circumvented. Where we see a concentration of objectives pushed too far towards shareholder return, away from acting in the interests of Tasmania - this can apply to our state-owned energy companies as well - if it shifts too far, the purpose can be lost.

I look forward to the contributions of other members and the minister's response. Change is clearly needed and it will take major and comprehensive action.

I note the report.

[3.00 p.m.]

Ms RATTRAY (McIntyre) - Mr President, before I begin my contribution, I acknowledge the Chair of the committee, who has done an enormous amount of work on this report and I certainly acknowledge the contribution that the member has made and clearly outlined and highlighted a number of the issues. I am going to stick to the recommendations and make a few comments on those. I support a number of the matters that have been raised by the member for Murchison, as the representative of an area where there is a very small port that is totally reliant on having appropriate and adequate infrastructure and access to that infrastructure at a most reasonable price. That of course is the port at Lady Barron on Flinders Island.

I will start with an extract from the annual report. The first thing that comes to mind following on from the member for Murchison's final delivery on GBEs delivering back to the community, not just to focus on the money, the shareholder return to government. This is evident with TasPorts where they talk about a strong financial position with a consolidated net profit of \$18.1 million delivering another record dividend to its shareholders, the Tasmanian government, up from \$14.2 million the previous year. Let us give them a round of applause. But what about what they have not managed to do when it comes to the berth for the new *Spirit*?

Ms Forrest - They achieve that through ramping up those lease fees, et cetera, of up to 400 per cent in one hit.

Ms RATTRAY - And certainly that was something I was not aware of until the member had raised that in her contribution. That is the opening line from the Chair of TasPorts. It is all about the money and perhaps they forgot to take notice of one of their other really important aspects. I will move over to the message from the CEO, Anthony Donald, where he says:

At TasPorts we are committed to our customers and community. We continued our partnership and support community initiatives across our port regions, including major events such as the Rolex Sydney to Hobart, Taste of Summer and Dark MOFO.

Most Tasmanians would rather they concentrate efforts on infrastructure that supports the Tasmanian community, not worry so much about those major events, but that is an aside. But I have not found anywhere in the report where it talks about the number of staff this organisation has and it is not on Committee B's list of scrutiny for this year. There have been

some really damaging and damning accusations and feedback that has been provided and certainly allowed some recommendations to come from this report.

But from this organisation when they have a really high-profile board, and I have to wonder when you read some of the attributes of the board members and I am not going to name them up. I am just going to say what they are. One board member, significant, and they are all significant, focuses on infrastructure assets. Again, would there not be a real focus on the assets, particularly when it comes to providing the berth or working with TT-Line to provide the berths for the new *Spirit* ships.

Another one has experience in innovation strategy, risk and opportunity management. Then it says extensive networks spans rural and regional and remote areas. Again, I would expect there would be a strong focus on delivering what was needed given that all of us in Tasmania, and outside of Tasmania, have known that there have been new *Spirit* ships coming for 10 years.

Another one is around experience on finance and accounting. Well, obviously that has helped with the bottom line of the organisation.

Another one has experience as an infrastructure consultant, 40 years' experience. That in itself, you do not get that sort of experience without being involved, I expect, with a lot of infrastructure projects that would relate to this organisation.

Another one, audit and risk committees and stakeholder engagement, development management and navigating complex approval environment. So, there are very high-profile attributes from those who sit on the board.

Then I headed over and had a look at the leadership team because I thought, 'Well, perhaps the leadership team is not strong enough to put in place some of that community engagement that certainly appears to be needed by this organisation'. There are six in the leadership team and, as I said, I am not sure what the number of employees is for the organisation in total, but they all have extensive resumes, that are small resumes in this annual report.

How on earth have we come to a situation where the parliament needed to have a short inquiry process into the operations of the TasPorts corporation to such a level and uncover the amount of evidence that was provided? One will never know, I do not think, but I absolutely agree with the honourable member for Murchison that there is a time to look back. We know looking forward is a very positive thing to do, but you also need to look back if you do not want to repeat mistakes of the past.

In regard to the working relationship with TT-Line and TasPorts, I have also addressed my mind, just not entirely focused but I have thought about it, whether joining a number of GBEs together will make any difference. Would it have made any difference to the situation we are in? I do not know, and I do not think anyone is going to know whether it would have. Will it be of benefit in the future? We can only assess that when we provide it with whatever the government puts forward because there has also been some discussion out in the media around the review of GBEs and whether there may well potentially be a joining of four. That was my understanding. So which four and what that might look like will certainly be an interesting exercise and something for members to address their mind to in the future.

I am very interested in how we got to this stage, as Tasmanians, because everywhere I go everybody wants to talk about this. They want to talk about why we were not ready to accept the new *Spirit* ships. How did this happen? I mean, just the question that was asked about how you would not be receiving the appropriate feedback from those organisations in your meetings with them as the shareholder minister. I know that we have a new shareholder minister and I sincerely wish him all the best, as well as the Treasurer, but would that not be the first thing on your agenda when you went to those meetings? What is the status of the infrastructure? Tell me what is happening with the infrastructure that is going to meet the needs. Berth 3, where is it at?

Surely, as north-west coast members drove past they would have noticed, as was already indicated, that nothing was happening. I recently went past a development in Launceston that was part of the Public Works submission, and I noticed that nothing was happening.

Now, I am not Launceston based and I do not always travel through Lilydale, but I did on this particular day and I thought there is nothing happening here. At the next opportune time, I immediately asked, 'What is happening with the Invermay Sports Precinct? Oh, there is activity.' I said, 'I cannot see any. If there is, they must be on their day off.' Thankfully, I took another drive by just over the weekend when I was heading back from an event and yes, there was some activity again. I do not know whether I was helpful in moving that infrastructure activity on but it does not take a lot for somebody to ask the question, 'What is happening?'

I appreciated the fact that the committee has made nine recommendations. I think recommendation 5 could be out. That was around the proactive approach to ensure Hobart remains the Antarctic gateway to Australia and whether the work of this committee has assisted in bringing both the state government and the federal government together and delivering the outcome that all Tasmanians are very keen to get.

Ms Webb - It is not built yet though.

Ms RATTRAY - It is not built, but there is certainly a commitment.

Ms Forrest - There is a whole heap of caveats on the commitment. Tasmania has to cop all the cost overruns. They also have to deal with the fuelling issue. The feds are not paying for any of that. There still is a lot of risk with Tasmania there.

Ms RATTRAY - I will leave number 5 in now, after I was going to take it out. I have just been put in my place when it comes to number 5. I should have waited and gone down the list.

Regarding the proactive approach to ensure TasPorts adhere to the requirements of the *Tasmanian Ports Corporation Act 2005* and the ASX Corporate Governance Principles and the Tasmanian Government Business Frameworks, absolutely a proactive approach. I would have thought it was a given. Obviously it is not and the committee felt that it needed to spell it out to the shareholder ministers to ensure that TasPorts takes a transparent and accountable approach to interactions with shareholders, ministers and parliamentary scrutiny committees to ensure the timely disclosure of material risks and issues. There would be risk management people on both in those organisations. They should have been all over that. That is what they do. I certainly support that recommendation and was also interested in how likely it is that there could be a new process for the scrutiny of government businesses. That is something, we as

a parliament could absolutely readily discuss. I wrote down 'two hours annually of GBE scrutiny is not enough'. How do we do that more regularly?

Ms Forrest - Though GAA and GAB -

Ms RATTRAY - Again, that is leaving a lot of the work to the Legislative Council as well with myriad committee work at the moment. Every member in this place would be trying to find time in their diaries to continue some committee work. I know I am and I know that others in committees that I am involved in have been as well. Others, I dare say, are even busier than I am. Trying to find time to provide adequate and appropriate scrutiny is very difficult.

Is there another way of providing some more scrutiny for GBEs? Is that a better option than bringing four together and saying, 'Oh well, we have them all under one umbrella and let us provide four hours of scrutiny at one stage in the calendar year'? These are just some thoughts that I have been having about how we might have a discussion around that and not necessarily leave it all to the Legislative Council.

There are a couple I will not make any comment on, particularly number 3, which is on marine infrastructure-related faults and failures. It is a huge organisation with dedicated people. They should have an asset register. It should be updated very regularly and should not need parliamentary scrutiny to have that under control. It should be a given.

The reason why TasPorts was brought together originally was because a bigger organisation would be able to look after all our small ports as it was too much and too arduous for small ports. That is what it was built on. That was the underlying message provided when TasPorts was made one organisation with all those responsibilities for those important infrastructure assets, particularly for some of our smaller communities that do not have the wherewithal to manage them, certainly not keep up with the maintenance. When you hear the Strahan story, it is disgraceful how that unfolded. It should not take a member of parliament to get up in this place - the local member in this case - and have to have a rant for something to happen and for an organisation like TasPorts to say they will help and work with the West Coast Council.

Ms Forrest - I only do that when all other attempts at communication have failed.

Ms RATTRAY - I was not insinuating that is the only way the member gets her work done. She may have even put out a movie release or done an op-ed. Sadly, not in the small local.

Ms Forrest - I do not have time to do that.

Ms RATTRAY - Number 6 is that the government 'consider concerns raised and any recommendations from TasPorts, Marine and Safety Tasmania and the EPA to determine the future maritime regulatory framework in a timely manner'. You would have thought that is a given, but the committee felt they needed to spell it out.

Then, recommendation 7: 'any transition associated with change to the maritime regulatory framework be managed transparently'- transparency is the take-home message here - 'including engagement and effective communication with all stakeholders'. I was interested in the contribution the member for Murchison made on advisory committees with

operators' current and potential future for the use of the port facilities. Why would you not be engaging with those advisory committees at every opportunity? They are the ones on the ground, on a day-to-day basis working with what is put forward. To hear they are virtually ignored and they never see anyone from TasPorts, never or rarely get an update on what is planned for the future for their particular area, is really disappointing. You cannot tell me that there are not enough staff in an organisation like TasPorts if that is your job. Whether you do it off the side of the desk or whether it is your role wholly and solely, do it.

That 'the Government review TasPorts' customer research report and engagement processes to determine whether TasPorts takes a customer-focused business approach and provide any guidance deemed necessary in response' is a nice way of saying get engaged with your customers and focus on their needs and this is how you do it. You should not need to give guidance to an organisation that has a significant board with a lot of skills and a significant leadership team as well. But, here we are, a committee of the parliament making this recommendation to the government.

Again, that 'regular and ongoing scrutiny of TasPorts be undertaken both at Government Business Scrutiny and through other Parliamentary processes', I have already touched on that. What are those other processes that might well be available to the parliament? There will be a real focus after this fiasco from members of parliament. You feel like you are almost looking over their shoulder every time something happens. That should not need to happen.

These are companies that have, supposedly, the right governance structures in place, supposedly the right people on the board with specific skills. We hear about that every time we form a board in this place: they have to have specific skills. What has happened? There is a real question mark over what has happened.

A couple of comments I might leave with members because they have been left with me over the course of this whole fiasco. There was a large cruise ship docked in Hobart last week. It was significantly large and I expect it was somewhere in the order of the size of a TT-Line *Spirit*.

Ms O'Connor - It is called 'The Love Boat'. It is the Virgin cruise ship. It plays that ridiculous soundtrack on its way.

Ms Forrest - I know, it is disgusting.

Ms RATTRAY - Whatever the soundtrack was, it was significantly large. The question a lot of Tasmanians are asking is, if Tasmania can facilitate large ships like that, why can the new *Spirit* ships not come to Tasmania? I have heard, and I cannot confirm this, we have already flown some fit-out materials to the other side of the world to fit out the new *Spirit* ships. Now, if that is the case I would have to shake my head. I am really interested if the Minister for Infrastructure would be able to confirm or deny that.

Ms Forrest - He is not the minister for ships. He is only minister for wharves.

Ms RATTRAY - I feel sure that the Minister for Infrastructure would -

Ms Forrest - We asked him yesterday. No, it is a matter for the Minister for Transport, Mr Abetz.

Ms RATTRAY - Well, if somebody could send a message to Mr Abetz while I am on my feet, and there will be others who will speak, to find out if that is the case.

The question on why Tasmania cannot facilitate those ships, whether they might be a problem for someone to continue to have to look at while we wait for the appropriate infrastructure to be built, is not my problem, and certainly not the problem of the people of Tasmania. They would rather see the ships docked here and wait here for the appropriate infrastructure and be fitted out as was promised by Tasmanian companies where possible, with Tasmanian products where possible, than have them sitting on the other side of the world.

Ms Forrest - A hundred million dollars' worth, that is what it was.

Ms RATTRAY - I am no marine expert, I just listen, but they tell me they will have to have a skeleton crew to start them up and make sure the engines are going, particularly in that cold weather that they might be sitting in, in Scotland. That is an added expense. If that is an expense we are going to have to have wherever, why do we not pay people in Tasmania? It sounds like a fantastic idea and certainly one that is supported by the people I talk to on a regular basis.

That is a message I am happy to leave with the Minister for Infrastructure, who will then pass it on to the appropriate minister. I know he will, because he has a genuine interest in getting this right. I feel sure about that.

My last point, I will get back to why we have a new minister in place. When I read the findings and the recommendations and then listened to the member for Murchison's contribution, when we heard about the pilot, the TasPorts agreement and the fact that the committee was told one thing and then there was some evidence or commentary provided that perhaps that was not the case and that there was no agreement in place, I wrote down, 'No wonder the minister at the time was not kept up to date with the lack of progress for the berth of the TT-Line'. If that organisation could not keep working with TT-Line as their customer to provide the infrastructure and support wherever they need it - that is what they wrote in their report: happy to support TT-Line as their significant customer - then it is no wonder that the minister could not get an accurate record or status of where the whole project was at. I suggest that there is a lot of governance to be reviewed in that organisation, from the top down.

I know there will be some changes with the CEO of the board. There were some lovely thankyou's in the annual report to the current chair of the board who is finishing up. But still, people need to be accountable. This is a time to look back. I do not always say that, but in this particular case, if we want to be able to make sure this does not ever happen again, then we need to take the opportunity to look at why it happened, and what contributed so badly to the biggest mistake or error that appears from all accounts that we have seen, on behalf of our state, for many years.

That is my offering. I thank the committee for their work. They certainly roll out those committee reports. The member for Murchison looks over at me every time she tables one, and I hope she continues to do so in the future.

[3.28 p.m.]

Ms LOVELL (Rumney) - Mr President, I will make a few brief comments on the noting of the report, acknowledging the comments from the chair of the committee, the member for

Murchison, who thoroughly covered the content of the report, the recommendations and the findings. I do not want to repeat any of what she already said, other than to say that I agree with her comments.

As a member of the committee, I appreciated the opportunity that we had to further scrutinise TasPorts. As we have discussed already, this short inquiry process came about after the GBE hearing that we had late last year when we, as a committee, felt we were left with too many unanswered questions, that we just had not had time to either scrutinise in that hearing or to prepare to scrutinise properly. It is really telling when you are sitting in a GBE hearing, which can often feel like nobody is watching or listening to what we are saying - I am not going to say too many people are watching or listening to what we are saying in GBE hearings - but when you are sitting in those hearings and you start getting messages through on various forms of social media from people we have never met before as committee members saying, 'Keep going with this, keep asking these questions', then that always rings alarm bells for me, when I know that people care enough about something to be paying attention and then be sending through those kinds of messages.

That is why we decided to continue with that short inquiry process. We had so many unanswered questions from that hearing - not just questions, but significant concerns. We all already have heavy workloads. We know that these inquiries are not something we do just for fun. We do it because it needs to be done and it is important. The reason I really wanted to contribute today is to comment on the process of those hearings and particularly the really quite gobsmacking attitude of the people sitting across the table from us.

For anyone who might have paid any attention at all at the hearing, or watched any of the broadcast, or even read the *Hansard*, it is evident that they were not there to be forthcoming with information. They were not open, they were not there to be transparent and provide information; it is a bit of a timely phrase from me, but it was a bit like pulling teeth. It became very evident that we had to ask exactly the right question exactly the right way to be able to get anywhere near the kind of information we were after.

Ms Forrest - And even when we did that, we still got stonewalled -

Ms LOVELL - Absolutely. There were lots of repeated lines of questioning. There was lots of rephrasing questions to try to get to the bottom. It felt very much like there was deliberate obstructionism happening in that room. That is not good enough.

This is a parliamentary committee, it is a government business enterprise. These GBEs are supposed to be delivering for the people of Tasmania and in doing that they are accountable to the people of Tasmania through the parliament. Unfortunately, that is not an attitude that is particularly unique to TasPorts. We see it again and again and, in my experience in the parliament, I feel like that attitude is getting worse. It is getting harder and harder to get information out of these organisations when they should be accountable to Tasmania. They should come to these hearings ready, willing and enthusiastic about answering questions and providing us with the information we need. We are not doing it to try to hang someone out to dry. We are not trying to catch people out. We are just trying to make sure that these organisations are delivering for Tasmania in the way that they were set up to do.

I also felt, and this perhaps was more evident through the GBE hearing, that the previous shareholder minister took a very hands-off approach, which I found a little unusual for that

particular minister. I remember in the hearing the minister said early on, 'Look, I am happy for you just to ask questions directly of the management team'. That is not an approach that I have seen from that particular minister before. That was a bit curious. I think what has again become evident through this inquiry and through other inquiries that are underway at the moment is that perhaps that hands-off approach is not really working.

I am encouraged by the fact that we have a new minister responsible for TasPorts, particularly given that the minister has had firsthand experience in sitting on the other side of the table in those particular hearings and witnessed and experienced what we did in terms of the manner, attitude and lengths we had to go to try to get information. That is a really good place for the new minister to start from. I look forward to seeing what happens next in that space and particularly the relationship with TasPorts and the government and the parliament.

I will finish my contribution there. I encourage members to use these mechanisms that we have to hold people to account to get answers for the people of Tasmania. I know it feels like we have handballed a lot of things off to Committee B. We reluctantly did that in a lot of cases because there is still more to do. There is more work to be done here. It is incumbent on us as representatives of our electorate and our constituencies to make use of the mechanisms that we have to get answers, to get information and to hold people to account.

I note the report. I am looking forward to hearing the government's response to the recommendations, in particular. I will be watching closely to see how this work progresses.

[3.34 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, to start, I thank the committee for the huge amount of work that has been put into this, and thank the member for Murchison for bringing it on for noting. The minister has been listening very carefully to the debate and he would like more time to digest the debate through *Hansard*.

We have spoken to the member for Murchison about this and then in consequence the other two contributions that were made. The minister would like to have more time to give a more fulsome and wholesome answer. Hopefully, we will bring it back on as soon as the minister is ready to go, whether it is on private members' days or whether it is on government business day, we will bring it back on.

At the moment, I would like to move that the debate stand adjourned, bearing in mind that we will bring it on as soon as the minister is ready to go.

Debate adjourned.

MOTION

Joint Sessional Committee on Gender and Equality - Inquiry into Tasmanian Experiences of Gendered Bias in Healthcare - Report - Consideration and Noting

[3.37 pm.]

Ms FORREST (Murchison) - Mr President, in noting the motion I acknowledge that the vast majority of work done that is reported in this report was done in the last parliament. The

report was actually signed off by the committee of the 50th Parliament but could not be tabled before the calling of the election in March 2024, a second early election, subsequent prorogation of the parliament, and the inevitable delay in re-establishing the committee. That was a little bit disappointing but eventually we got there. Having said that, the information does not really date in this report. The matters that are relevant then are still relevant now. Despite the delay, I do not believe there would have been any major changes to the findings or recommendations contained in this important body of work.

I thank all members of the committee for their work and the support of the committee secretariat in this inquiry and report.

This report confirms the lived experiences of gendered bias of many Tasmanians who access primary and acute health care. Gender bias in healthcare is real and negatively impacts members of our community, particularly members of the LGBTIQ+ community and women. This bias is described by many witnesses to the committee and I suggest it is something that is not well understood throughout the community.

Gendered bias is evident across many areas of health care, including access and affordability, safety, inclusivity, timely and accurate diagnosis, and it increases the risk of misdiagnosis and poor health outcomes. Many people, particularly women and members of the LGBTIQ+ community, have sadly come to experience much of this bias and discrimination as the norm. Some may have not experienced any alternative that leads them to question their care. I thank those courageous individuals who shared some of their own or their patients' lived experiences of gendered bias and/or discrimination to assist the committee in understanding the scale and ubiquity of this experience.

The committee also found that discrimination toward members of the LGBTIQ+ community can compound the negative impacts of gendered bias. The committee made 34 findings and 17 recommendations. These findings and recommendations draw attention to evidence of gendered bias in health care and highlight actions needed to mitigate and address the negative impacts on the health and wellbeing of Tasmanians, particularly for women and members of the LGBTIQ+ community. The committee's recommendations include: the provision of improved training and education for healthcare trainees and professionals; consistent and contemporary clinical guidelines, particularly in areas of women's and reproductive health; dedicated services for members of the LGBTIQ+ community; improved data collection; and adequate funding for dedicated women's and reproductive health care. The committee also recommends the introduction of a human rights act to support and enhance the other recommendations to address gendered bias in health care.

Intersectionality, that is the impact of gender in addition to other factors, can amplify the gender-related bias that some members of the Tasmanian community experience when accessing health care, especially for those who are culturally and linguistically diverse, Aboriginal or Torres Strait Islander, living with disability, members of the LGBTIQ+ community, and/or of a particular age. The age factor can present bias in differing ways depending on the circumstance.

In addition, for members of the LGBTIQ+ community, a lack of information regarding the location of inclusive and safe care often leads to delays in seeking care and a heightened risk of an adverse experience accessing services that may not be inclusive. Evidence provided to the committee shows that dedicated LGBTIQ+ clinics and outreach services are needed.

The committee recommend the government publish and regularly update on the Department of Health website a list of healthcare providers that indicate they provide safe and inclusive care, and establish regionally accessible health services or clinics that are safe and inclusive. While there is some information available, mostly provided by inclusive service providers, it is not easily accessible or inclusive, and it relies on practitioners themselves, so it may not be visible to those living in regional areas.

There are also many gaps in health data, particularly with regard to female-specific health conditions and reproductive health. Data collection and record keeping within the Tasmanian Health Service at the time of the inquiry was inadequate. This has been recognised by the government and investment in digital data management and data collection is underway, although it is still not rolled out, as I heard at a recent Public Accounts Committee inquiry. The long-awaited Human Resources Information System (HRIS) has a very long gestation indeed. I still do not believe it is completed, but we move ever closer.

The committee also heard that many people accessing the health system experience a level of disempowerment when navigating the system. Women regularly experience gendered bias in primary and acute healthcare settings. This is evidenced by women's experiences of being more likely to have the severity of their physical pain and symptoms dismissed by treating medical professionals. Women in this room may have experience of that themselves. This can and does delay timely treatment and provision of adequate pain relief and can contribute to misdiagnosis.

I know when I presented to the Accident and Emergency Department when I was out doorknocking once and was bitten by a German shepherd -

Ms Rattray - That dog again?

Ms FORREST - That dog, yes. I was basically offered nothing in pain relief. When I was, I was offered a small dose of Panadol, which I took, but that did not touch it. Based on my medical knowledge and background, I effectively demanded some Endone or a narcotic to try to take the edge off it. Then, when they wanted to do an invasive procedure on my arm, I was offered nothing, perhaps more Endone. Thankfully, I knew one of the nurses in the emergency department. I looked after him and his wife when they had their babies, so I called out to him rather loudly until he came to my assistance and told him that he was to stop the doctor proceeding with what he had already started and to give me something that would at least take the pain away.

I suggested that he give me some nitrous oxide and make sure I had enough on board before we went any further. The nurse had to argue with the doctor to get it. I basically pulled my arm away so he could not access it until I got something that was half decent. After that, as I got the gas in my hands, he wanted to start again. I put the other arm back away. I used the good arm to suck on the gas furiously. I said, 'You are not starting until I have enough of this on board'. I should not have to do that.

Any other woman who may not have had the same knowledge and experience in the health system to know what options there might have been may well have had to suffer extraordinary pain with an invasive procedure that I could barely cope with. Thankfully, I had a good nurse whose name I knew and I could scream loudly enough to get his attention. He was very helpful and very good.

Going on to the issue of, not necessarily pain, but it can be pain-related, women presenting with atypical cardiovascular disease symptoms or abdominal pain also experienced delays to care, pain relief and accurate diagnosis. The lack of a clear and consistent care pathway for female abdominal pain in emergency departments contributes to these adverse impacts and can delay admission.

The committee heard some very disturbing accounts of the lived experiences of some women, where it is very clear a male patient would not have had the same experience. Women were often assumed to have low pain thresholds, like we do not give birth to babies -

Ms O'Connor - Yes, like we are hypochondriacs and whingers - that is the feeling you get in front of male doctors.

Ms FORREST - Sometimes, yes - despite our ability to birth children, often without pain relief, and are seen as hysterical or having some gynae issue, but without this gynae issue being diagnosed are not referred to a gynaecologist. These women describe it as being unheard, disbelieved, ignored, and not offered adequate pain relief.

In order to address this very real issue, and the lived experience of many, the committee recommended the Tasmanian Health Service establish contemporary and consistent clinical practice guidelines for the assessment, treatment and admission of women presenting to a Tasmanian emergency department with all presentations of abdominal pain, or women presenting with atypical cardiovascular symptoms, or birth trauma and miscarriage. There need to be very clear clinical guidelines around the management and assessment of these conditions.

The committee also found that women's reproductive health services are inadequately funded to ensure equitable, timely, safe, effective and accessible care can be provided both for contraceptive care and termination of pregnancy care throughout Tasmania. It is absolutely unacceptable that this is the case. Many women are unable to afford the costs or timely access to a medical termination of pregnancy. This effectively denies these women the right to safe and timely health care for a very time-sensitive healthcare matter. These circumstances have led to an increase in the number of women accessing a surgical termination in the Tasmanian Health Service. This is, for the majority of women, a higher risk procedure that could have been avoided and that adds to the pressures of the acute health services more broadly.

I am sure all members would be aware that, as with medical termination of pregnancy, surgical terminations of pregnancy are equally time sensitive and cannot be delayed. As a result of these barriers, and failings of health care for women in some cases, women continue an unwanted and unplanned pregnancy. This is not an ideal outcome.

Members may not be aware that the Medicare rebate for many items of reproductive health-related care and investigation is completely inadequate to cover the cost of providing this care. This leaves GPs facing financial barriers for the provision of timely care and is another example of gender bias and the provision and funding of health care.

Evidence to the committee from Family Planning Tasmania's submission discusses the insufficient numbers of general practitioners available to provide women's health services. This is all included in the report, but I will reiterate some of this evidence. From their submission Family Planning Tasmania (FPT) said:

- Many patients come to FPT because they are unable to access quality women's health care in General Practice. In particular, typically only female GPs provide cervical screening tests, Implanon inserts/removals and Interuterine Device (IUD) inserts. Very few GPs (male or female) provide medication termination of pregnancy (MTO), in part because it is time consuming and financially unsustainable to deliver and these GPs have not undertaken additional training and qualifications to understand the complexity in women's health.
- This problem is particularly bad in rural and remote parts of Tasmania. Family Planning Tasmania is contacted frequently by medical services in rural and remote regions requesting women's health outreach. While FPT has doctors who are keen and willing to provide outreach (and have in the last 6 months carried out successful outreach to St Helen's, which was funded by the requesting organization), FPT is not funded to provide this and cannot cover the cost through the Medicare rebate. The lack of GPs providing women's health services results in women forgoing essential screening tests such as cervical screening.

The submission from Women's Health Tasmania also discussed issues with reproductive health literacy in the health workforce. Doctors, particularly general practitioners, need to be encouraged to do extra training in women's health. We are aware of a patient whose menopausal symptoms were disregarded by her long-term male general practitioner. He told her that it does not tend to last very long.

Ms O'Connor - Just five to 10 years.

Ms FORREST - She says she felt her symptoms were invalidated, minimised and brushed aside. It is important to note menopause can have serious psychosocial effects on women, including loss of income - but of course, he had been through it, had he not? He would know. They did not say that in their submission. I am just adding a little bit. To go back to their submission, when the same patient saw a female GP, she got a comprehensive assessment and was offered hormone replacement therapy, appropriate care. The submission went on:

Women in rural and remote areas may not have the benefit of choice of gender of their GP they see and their care can be even more disrupted by the use of locums.

This evidence was elaborated on in a hearing by Ms Jo Flanagan from Women's Health Tasmania and I will quote some of her evidence to the committee from the report. She said:

We are concerned about the state of maternal health care in Tasmania, and our concerns are based on anecdotal information we have received from clients over the last five years. They include problems finding GPs who are knowledgeable about pregnancy and pregnancy care pathways; problems gaining access to specialist midwifery programs; service responses during the COVID-19 pandemic, specifically with the withdrawal of services during the pandemic; what appears to be premature discharge of new mothers and

infants from the hospital to a lack of support in inappropriate housing; lack of support for women experiencing maternal exhaustion and difficulties with breastfeeding; poor access to GPs post-birth for new mothers and infants who cannot get appointments and are referred to emergency departments after the birth [hardly an ideal location to send a newborn baby when they just need the support of a GP or other health provider]; limited access to CHaPS, Child Health and Parenting Services, lack of access to allied health supports - for example pelvic floor physiotherapists and psychologists who work with women experiencing birth trauma - we're also concerned about the very high rate of birth trauma that we are seeing in our counselling services that's trauma associated with child-birth complications, interventions and outcomes.

Evidence received from the Royal Women's Hospital in Victoria - I might just add that it was very pleased to be asked to provide evidence to this committee and, obviously, as a women's hospital it has a very direct and keen interest in this matter - said the difficulties that could be faced by women seeking terminations across Australia were real and they elaborated on this:

Early medical abortion (using the medications mifapristone and misoprostol) is a well-established alternative to surgical abortion for early pregnancy. These routinely used medications are widely recognised as safe and effective, including by the World Health Organization. Early medical abortion is non-invasive and should be the first option for unwanted pregnancy. However, in Australia, its use is still comparatively low to that of other countries where it is considered to be a standard option and easy to access.

The submission added that:

With various conditions, surgical abortion is legal in all Australian states and territories, providing it is done by a registered medical professional. Yet many publicly funded hospitals in Australia that provide maternity and women's health services do not provide abortion services at all; others provide very limited services or have complicated care and referral pathways making access very difficult. One of the reasons is that public hospitals are not mandated through state government directives or funding agreements to provide contraception and surgical abortion care. Each state health authority releases clinical capability framework directives that govern the level of service a public hospital must provide (with hospitals ranked from Level 1, being basic care, through to 6, being high risk and complex care). Yet these directives (and individual funding agreements) do not include any mention of women's health or gynaecological care, let alone the mandated provision of abortion or contraceptive services.

We know this, that the law might say it is legal, but the policies of the government of the day can make it inaccessible. Further to the challenges experienced by women and access to reproductive health care in its submission, Family Planning Tasmania also raised the issue of cost barriers to women seeking medical terminations in Tasmania:

There are cost barriers to Tasmanian women accessing Medication Termination of Pregnancy [MTOP]. Perversely, it is now more affordable for many Tasmanian women to access Surgical Termination of Pregnancy (STOP), than MTOP.

Access to STOP in Tasmania has improved greatly since the service was introduced in Tasmania's public hospitals in October 2021. STOP is now free for all women, including non-Medicare card holders. This approach is strongly supported by [Family Planning Tasmania] FPT.

It seems incongruous that surgical terminations are cheaper to access than medical terminations. They go on:

Nonetheless, non-invasive MTOP is the preferred abortion alternative for many Tasmanian women. FPT provides approximately 400 MTOPs per year in a primary care setting. MTOP is also provided by some GPs.

FPT is not specifically funded to provide MTOP, and therefore currently needs to charge 'out of pocket' costs for women who are not eligible for State Government funding. Out of pocket costs for health consumers of MTOP are required because the service requires significant patient preparation, monitoring and follow up.

It is not something you can do in a quick five-minute session.

I am sure members can appreciate the issue here. Family Planning Tasmania added:

While the costs of MTOP in Tasmania may be reimbursed for people who can demonstrate financial hardship (with government funding administered via Women's Health Tasmania and The Link) this creates a further barrier for MTOP compared to STOP.

These women who are accessing this service are dealing with a lot of other things. For them to then have to apply, because of financial hardship, for something they may not want to disclose to members of their family is extraordinary, prohibitive, discriminatory and unacceptable. Family Planning Tasmania goes on:

Medical practices such as FPT must still 'advertise' the cost of MTOP, and consumers have to declare they can't pay in order to access financial hardship support.

You have to diminish yourself to the point of saying, 'I cannot afford to pay for this, but please give it to me.'

There is evidence that some clients are unable or unwilling to make this declaration to FPT, including due to feelings of shame and embarrassment.

How dare we do this to women in already vulnerable situations?

Some of these women unfairly incur the financial hardship of MTOP 'out of pocket' expenses.

They just pay for it and something else gives.

Others do not proceed with the MTOP at all, and instead access STOP.

Which I have already said is higher risk. It also occurs in our acute healthcare settings, which are already overburdened. This is unnecessary.

An unknown number of women may proceed with an unwanted pregnancy.

That is not an ideal outcome either.

Women who would prefer to choose MTOP, but cannot due to out of pocket costs, can instead access free STOP in public hospitals at an approximate cost to the health system of \$3,000 per procedure.

Would it not be cheaper to fund medical termination of pregnancy?

Conversely, every woman who chooses to access MTOP in a primary health setting, instead of STOP in a public hospital, reduces pressure on the public health system. MTOP also provides options for tele-health delivery that are not possible with STOP, which can be particularly beneficial for women in regional and remote Tasmanian communities.

Family Planning Tasmania indicated that it could, with appropriate funding, improve the situation by providing medical termination through its clinics and outreach programs. They said:

FPT proposes to provide equitable access to MTOP for all Tasmanian women by fully funding MTOP through FPT clinics in Glenorchy, Launceston and Burnie, and via FPT outreach to remote and regional parts of Tasmania.

Sitting suspended from 4 p.m. to 4.30 p.m.

MOTION

Joint Sessional Committee on Gender and Equality - Inquiry into Tasmanian Experiences of Gendered Bias in Healthcare - Consideration and Noting

Resumed from above.

[4.31 p.m.]

Ms FORREST (Murchison) - Mr President, as I was quoting from Family Planning Tasmania's submission previously:

FPT is a proven, high-quality provider of MTOP in Tasmania. FPT has systems, processes, facilities and equipment in place - including nursing

support and specialised GP training - to expand on its current provision of 400 MTOP services per year. FPT now provides in-house ultrasound (required prior to some MTOP procedures) and has a focus on providing reliable contraception and support to all MTOP patients to prevent future unplanned pregnancy.

Family Planning Tasmania can and does already provide women-centred care and is in a position to increase available women-centred health care. Family Planning Tasmania representatives informed the committee that Family Planning Tasmania already has a model that works. It provides a high-quality and well-received service in Tasmania.

Family Planning Tasmania is definitely not funded as well as family planning organisations in other states. They stated that they are very grateful that they get some of their funding from the Department of Health, but they do not get any funding for the doctors' time. They are required to pay the doctors' salaries through fees. Family Planning Tasmania has a mixed billing model where they bulk-bill patients on low incomes and everyone else pays a fee. With additional funding, they believe the model could work and could be expanded to provide services to many more people.

Family Planning Tasmania was recently selected by the federal health department to specialise in endometriosis and pelvic pain, and they are funding existing clinics to provide specialised services for endometriosis and pelvic pain.

According to Family Planning Tasmania, a lot of the issues of gender bias and inequitable access to services could be addressed at the state level simply by providing extra funding to pay doctors for their time. There are the doctors who work within Family Planning Tasmania with the understanding that Medicare rebates do not do that. They do not cover that cost. When you consider the cost of a surgical termination, it does not make economic sense not to do this, if you are just going to focus on the economics of it, let alone the human side of it.

Another area of gender bias that was raised with the committee related to the gendered nature of gender-specific healthcare costs. Family Planning Tasmania provided evidence of this and discussed the high cost for a number of women's healthcare services. We have already discussed medical termination. I will talk about what that procedure and cost involves as a comparator perhaps.

A high-quality medical termination of pregnancy service, such as that provided by Family Planning Tasmania, takes over 180 minutes of medical practitioner time to provide. Medicare via the MBS will cover 40 minutes of this. That takes 180 minutes. Medicare covers 40 minutes. At that rate, that is not sufficient to cover a GP's salary. The nurse time spent on medical termination is 75 minutes, and that is not rebated by Medicare at all. Antenatal care is another example. The Medicare rebate for an antenatal appointment is just \$42.40, despite the fact these appointments overwhelmingly require a 30-minute consultation. This rebate is less than a regular consult of over 30 minutes, which is \$76.95, effectively penalising pregnant women or the doctors who treat them. An antenatal appointment gets \$42.40 for 30 minutes. Other regular consultations for over 30 minutes get \$76.95. This is just breathtaking that this is actually the reality. This is the federal government, the Medicare rebates, but it highlights the gender bias.

Lack of rebate for nurse services: at FPT nurses provide most cervical screening tests but are unable to claim Medicare rebates for their time.

I note that item numbers for nurses previously existed, but they were withdrawn by the medical benefits scheme. This is effectively, a financial penalty for women to undertake what is an essential Preventive health screening service.

The AMA provides the example of ultrasound costings that further highlights this point. These are the full rebates, not the benefits, that radiologists receive for performing certain procedures.

An ultrasound of a scrotum: \$113.95

An ultrasound of a penis: \$102.20

An ultrasound of a breast: \$102.20.

The same. I think it takes longer to do a breast than a penis. Arguably, a pelvic scan is more complex than a scrotal scan. You get more for doing a scrotal scan than you do a breast scan. A pelvic scan requires a vaginal probe in addition to a standard probe. That is more equipment, more consumables.

Considering organisations like the AMA consulted on the fees list, it shows that bias prevails across the medical organisations and government departments to the detriment of women and their health. The AMA also discussed in their submission the cost incurred by pregnant women for scans.

The 20-week scan is imperative in determining foetal health. The first trimester screen is another important test which can help a woman calculate the chances her child has one of three foetal chromosome disorders in addition to other abnormalities. An early assessment allows her more choices with regards to further testing.

With out-of-pocket expenses for the first trimester scans, the 20-week morphology scans being back in 2022-23, \$95 for Health Care Card holders and \$225 for full fee-paying patients, this may be a cost avoided by some pregnant women, limiting their options.

You cannot make the woman have the scan, but if she does not because she cannot afford it, then her options are limited as to further decisions about further testing or other decisions regarding the pregnancy.

Evidence provided to the committee by the AMA highlighted:

Understandably these costs may serve as a barrier to pregnant women getting equitable health opportunities that may have long term ramifications. With the poorest families in Australia scraping by on \$150 a week after housing costs it is just not possible to pay the initial outlay required for these tests, even as Health Care Card holders.

The AMA also provided evidence about discrepancies in funding for women-specific medications.

There are several medications specifically used by females, such as those for contraception and menopausal hormone replacement. Some are funded, but many of the newer and widely recommended options are not. It is routine in general practice to have discussions about the best medications to manage contraception, menstrual bleeding difficulties and in particular mental health, but one also must consider the affordability of and therefore access to the prescribed medication.

The reason I have referred to significant amounts of evidence received by the committee was to highlight just how entrenched gender bias against women in health care is and how far it extends. In addition, I spoke about another area of inequity following the work of this committee that reinforced the findings of this committee. I reiterate some of what I spoke previously in mid-2023. The data I was provided with by Family Planning Tasmania related to the appalling gender disparity in contraceptive procedures.

These are figures from 2022, so they may have changed slightly, but the principle still applies, specifically focused on intrauterine devices and vasectomy. The unfairness in the rebate discrepancy and the gender bias relating to women bearing the financial burden and potential side effects of contraception is unacceptable. I am sure most, if not all, members know what an intrauterine device is and how it works, but to reiterate, the IUD is a female contraceptive procedure that involves the insertion of a small device into the uterus to prevent pregnancy. The IUD provides 99 per cent efficacy against pregnancy for five years, requiring replacement at the end of that time. Despite its effectiveness and convenience, the current system perpetuates an unfair burden on women.

The key points that emphasise this inequality are outlined and I will outline these.

- The time required: The minimum time required for a procedure is 30 minutes with an additional recovery period which can be several days. Most GPs allocate 45 minutes for the entire procedure. There is often pain associated with this procedure with varying options for pain relief, with many providers only offering mild analgesics. If you give something stronger, the patient needs to stay longer.
- Staff involved: The IUD procedure typically involves a GP or specialist gynaecologist along with a procedural assistant or nurse.
- Medicare rebate: Shockingly, the Medicare rebate for an IUD procedure is only \$72.05, and it is essential to note that sterilising the equipment alone costs \$40. This disparity places disproportionate impact on women seeking reliable contraception.

Now let us consider vasectomy. To remind anyone who may not have a full understanding, vasectomy is a male contraceptive procedure that involves the surgical cutting or blocking of the vas deferens to prevent sperm from reaching the ovum.

The vas deferens is cut. Unfortunately, the current rebate system further exacerbates the gender bias. I will go to time required.

- The procedure typically takes approximately 15 minutes as opposed to the 30 to 45 minutes for an IUD, with some providers using a no-snip technique. Local anaesthetic is inserted as part of the procedure.
- Staff involved: Vasectomy procedures are typically performed by a GP or specialist urologist along with a procedural assistant or nurse, which is fairly similar in terms of the skills required of the practitioners.
- Training Required: Additional training is required for healthcare professionals to perform vasectomy procedures effectively - and that is a good thing because we want it done properly.
- Medical rebate: Astonishingly, the Medicare rebate for a vasectomy is a significantly higher amount of \$200.

Remember it was much less, \$72.05, for IUD. Vasectomies get \$200, take 15 minutes to do. IUDs take a lot longer.

This substantial difference in rebates only reinforces the gender disparity in contraceptive choices, unfairly placing a smaller financial burden on men. Family Planning Tasmania provides and supports these much-needed services to Tasmanians. They need to be adequately remunerated to support equity of cost to the individual, equity of access to care and timely reproductive health care.

The cost and available Medicare rebates expose unacceptable and inexplicable gender bias as demonstrated by rebates for male-related procedures and investigations being significantly higher than comparative female-related procedures and investigations, as evidenced by the examples I have just used.

In response to some of these matters, the committee recommend the state government actively seeks the support of the federal government to remove gender bias in Medicare rebates. Gender bias in relation to cost and pay and equity for female medical practices was also raised by the committee. Family Planning Tasmania noted the Australian Medicare Benefits Schedule incentivises short consultations, effectively penalising doctors for spending more time with patients.

Short consultations are incompatible with often complex needs of women's health care, particularly related to contraception, pregnancy and termination. Complex consultations are one reason why female doctors are more likely to spend more time with patients than male doctors, resulting in women in health care earning less than men. A 20 per cent gender pay gap exists as well as what amounts to attacks on women's health as either doctors or patients cover the additional cost of providing long consultations. In Tasmania, out-of-pocket fees for appointments with GPs specialising in women's health outside of Family Planning Tasmania are between 50 to 100 per cent higher than a standard GP appointment. This additional cost is on top of the Australian gender pay gap of 13.4 per cent. This means women are less able than men to afford their medical and healthcare costs to begin with.

The issue of female doctors spending more time with their patients was also raised by the AMA. Female GPs are usually part-time contracts in small businesses which do not offer

maternity leave, job security, long service leave, employee assistance programs, employer-contributed superannuation, or work cover in the long run. Those who may suffer from vicarious trauma through their chronic mental health work have to fund their own care and sick leave. This may lead to a loss of health professionals through burnout.

Female health professionals earn less than their male counterparts for a multitude of reasons. It is a common experience in general practice for patients to present to male doctors for straightforward issues and then elect to see a female GP for complex, challenging and time-consuming presentations. As well as impacting income, a heavy case load of medically complex patients can be exhausting for female GPs, especially if all you see is really complicated patients. It is very wearing.

It is important to note that underlying the lived experience of gender bias in health care for women is a historical legacy of research and research funding that is focused on the male body. Adding to this is the fact that the body of research has been predominantly undertaken by men. In medical literature and textbooks, men's bodies are seen as the norm and women's bodies are a variation of the norm. This is compounded by the fact that the committee also heard evidence of significant gaps in education and training of health professionals in both undergraduate and postgraduate programs, particularly in the areas of LGBTQIA+ patient care; women-specific conditions such as endometriosis, menopause and miscarriage; gender and unconscious bias; empathy; and bystander intervention. As a result, the committee recommended improvements to training and education to address key areas of gendered bias.

As I noted earlier, the provision of health care is highly feminised, which contributes to the gender pay gap when delivery of care is predominantly provided by women. The highly feminised workforce, particularly in lower-paid roles, can also mean men presenting for care are less likely to be cared for by other men. This reality can also impact on stereotypes and masculinity with the nature of healthcare settings. Sometimes the lack of availability of male healthcare professionals can create barriers to men seeking health care. The committee recognised that increased diversity in the healthcare workforce and policies to address stereotypes of masculinity can assist to address these matters, but it takes concerted efforts and pay equity.

One area where the committee found gendered bias experienced by some men was in relation to delivery of maternity services. The committee heard from an expectant father who described the need to recognise non-birthing parents throughout the childbirthing experience. The committee acknowledged the need to ensure maternity care does provide inclusive care for the childbearing family. Maternity and early parenting services require appropriate policies, education and training to ensure inclusive care.

The committee further noted parental leave in Australia does not fully consider the needs of the non-birthing parent, although there have been advances in more recent times in some places of employment to support this. It is not a consistent framework, but there are some who have done an amazing job in supporting the non-birthing parent in that area. The committee recommended the state government encourage the federal government to consider further changes to the structure of parental leave, responding to the economic and sociocultural needs of non-birthing parents.

To reiterate some of the findings of the committee. Gendered bias in health care is particularly prevalent for the LGBTQIA+ community and many have experienced

discrimination in healthcare settings. The impact of this can result in delayed diagnosis which could have a negative impact on health outcomes for members of this community. The lack of information available and communication to members of the LGBTQIA+ community regarding providers from whom they can be guaranteed safe and inclusive care can further exacerbate these negative impacts, which have been exacerbated by deficiency and knowledge in the wider medical community about LGBTQIA+ specific health-related matters. It is evident that dedicated LGBTQIA+ clinics would provide great benefit in Tasmania by enabling patients to access safe and inclusive spaces to access health care.

Many women experience gendered bias when presenting for health care, particularly related to cardiovascular disease, abdominal pain and/or reproductive health care. This can and does result in delays to diagnosis, misdiagnosis and poor health outcomes. Women are more likely to have the severity of their physical pain and symptoms dismissed by treating medical professionals, delaying timely treatment and pain relief. There is no clear or consistent care pathway for female abdominal pain in emergency departments.

Organisations providing medical termination and pregnancy services are inadequately funded to provide equitable, accessible, and affordable care across regions. The lack of access and affordability of medical terminations often result in women seeking surgical terminations, which adds to the burden on acute health services. There is a lack of clinical guidelines or formal trauma-informed briefings to support women following traumatic birth experiences and miscarriages.

There is also a historical legacy of research and funding for research focused on the male body, which has had negative implications for women and women-centred health care. There is an inherent gendered bias in Medicare rebates resulting in cost inequity and disadvantage for women-specific investigations and care. There is a significant gap in training for medical, nursing and allied health professionals in the areas of LGBTQIA+ patient care; women with specific conditions such as endometriosis, menopause, and miscarriage; gender bias; unconscious bias; empathy; and bystander intervention.

The anatomy books currently used in Australian medical schools and training of medical professionals utilise the male body as standard and the female body as other, which influences diagnosis and treatment of women's health issues. Menopause was excluded from Australian undergraduate and postgraduate medical and allied health training. It is pleasing to note that the Australian College of Rural and Remote Medicine (ACRRM) has provided educational resources to improve ACRRM's doctors' understanding of key gender issues in practice. I commend them for that work.

Non-birthing parents can also experience antenatal and postnatal anxiety and depression. Parental leave in Australia does not fully consider the needs of non-birthing parents, including their economic and sociocultural needs.

Stereotypes of masculinity and the nature of healthcare settings, and sometimes the lack of availability of a male healthcare professional, can create barriers to men seeking health care and there is a need for increased diversity in the healthcare workforce.

To address some of these matters, the committee identified a need for greater utilisation of interpreter services where those who are culturally and linguistically diverse, or are Aboriginal and Torres Strait Islander, are not well catered for, and also the inclusion of cultural

awareness and inclusion training to assist medical professionals in treating all those from diverse backgrounds.

The committee also found that gendered bias can impact on the timely diagnosis for conditions such as attention deficit hyperactivity disorder (ADHD) and autism.

There are many other findings in the report that I will not go into specifically. I want to mention that the committee found that a human rights act in Tasmania may improve the experience of Tasmanians seeking health care, particularly those from marginalised groups, and thus we recommended the introduction of a human rights act.

I have referred to a number of committee recommendations during the presentation. I note that I did not specifically mention all of those, and some require additional emphasis but they are all in the report.

In relation to the LGBTQIA+ community, the committee recommended the government update the Tasmanian Health Service medical records and data collection for patients who change their prefix, pronoun or gender markers, so changes are made in a timely manner. I am sure this will become much easier to do and more prompt once the new and fancy HRIS is in place.

Also of key importance is the need to establish regionally accessible health services and clinics that are safe and inclusive, particularly for members of the LGBTQIA+ community.

Due to the inequities I referred to in my contribution, the committee recommend the government increase funding to Family Planning Tasmania - it seems like a no-brainer to me - to ensure equitable and accessible reproductive health care across the state, and provide additional funding to relevant organisations to provide specialist services for endometriosis and pelvic pain.

To make real change to gender bias in health care, the committee also recommend that the government actively seek the support of the federal government to remove the gender bias in Medicare rebates. This gender bias is simply unacceptable.

As noted in the report, I want to sincerely thank all those who took the time to make submissions or to provide evidence to the inquiry, and for sharing their invaluable experience and knowledge. It is not easy to talk about a traumatising experience you have had in our healthcare settings, whether it is in the community, in general practice areas, or in our acute health services. In particular, I thank those women who shared their own lived experiences of gendered bias when receiving health care. Members of the committee also noted it is often challenging and difficult to relive these experiences, and that the evidence those with lived experience provide is so valuable to the committee's work. I sincerely thank them.

Mr President, I note the report and look forward to the contributions of other members.

[4.56 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I will make a brief contribution, and thank the member for Murchison for all the work that went into the committee and in its final report. It was to an area of health care which I do not think we talk about enough. Through the member for Murchison's contribution, for me personally, it really articulated and confirmed a lot of the

frustrations that women particularly feel when we go into healthcare and medical settings, but also of course, gender-diverse people.

I have a copy at home of that fantastic medical textbook *Gray's Anatomy* and, yes, the picture in it of the ideal human body is a male body. All through that medical textbook is the version of the male body for us to study, to learn more about the human body. Of course, men's and women's bodies, and gender-diverse bodies, are all very different.

There are a couple of things that occurred to me as I was listening to the member for Murchison's contribution. I recall someone, a young transgender person I know very well who, before the parliament fixed up the births, deaths and marriages legislation in about 2019, went to their GP and asked for the GP to sign a statutory declaration, which was what was required then in order to have their birth certificate changed to reflect their gender identity and their chosen name. The GP told this person that no, they would not sign that stat dec, and by the way, in their view, breasts were not a reproductive organ. This young person was also talking to their GP about having their breasts removed. There was a lack of sensitivity towards that young person who was going through a fraught and emotionally very challenging period of their life, to have a male GP dismiss their path, which was informed and, certainly from that young person's point of view, very well understood. That young person now lives with their true identity as a young man in Melbourne.

I have also seen my two children, for example, one male, one female, go to the GP and get treated very differently indeed. One of my sons has been able to access painkillers in a way that my daughter was never able to, never allowed to. It was so obvious that that was a decision based on gender.

I have experienced it personally. I have been in pain and felt that I needed something. It was the same situation as the member for Murchison's dog bite. I was told to take a Panadol as if I was a whining hypochondriac.

We do have to address this issue. As the recommendations in the report are very clear about, we do need proper training and education across the healthcare sector. We need consistent, contemporary, informed, empathetic guidelines for healthcare professionals, dedicated services for women and gender-diverse people, and consistent and good data. This parliament will get around to it some time. I am sure we need a human rights act for Tasmania so the rights of our citizens are protected against the excesses, extremes or foolishness of a government or the actions of corporate interests.

I want to reflect on what is happening to women all over the world. We have seen, on 4 November, the election to the presidency of the United States of a 34 times convicted felon: a rapist who embodies the sexism, the misogyny, the racism and the greed at the heart of contemporary fascism. We now have installed, or are about to install, a man who has treated women with contempt and been a philanderer all his life, in Donald Trump. After his election, on social media there was a statement, or a tweet, put out by one of the hard-right heroes called Nick Fuentes. It said 'Your body my choice'. That was the message that was sent to young men after the election of Donald Trump to the presidency of the United States. He has selected this farcical cabinet. He has his co-president, Elon Musk, who dreams of a government of elite white males. His pick for Secretary of Defence, Pete Henshaw, believes that women should not have the vote and they certainly should not be allowed into combat. Margaret Atwood's *The Handmaid's Tale* is unfolding in America.

It is very important that we remember and understand this: what happens in America affects and infects Australia. We need to be constantly vigilant to stand up against sexism and misogyny, stand for women, girls and gender-diverse people. Remember that the Republicans in the United States spent \$215 million on advertisements targeting trans people, because one of the hallmarks of fascism is that you demonise a minority. I want us to be mindful of the dangers here, that this infection will reach Australia.

Interestingly, on the stats from Planned Parenthood in America following the US elections, appointments for IUDs went up by 760 per cent, and bookings for vasectomies, according to Planned Parenthood, after the 4 November election in the States went up by 1200 per cent. Why is that? In the United States now, women recognise they have a government that is committed to a national abortion ban. We already have women in a number of states in the US dying while waiting for medical treatment.

Ms Forrest - Two in Texas in recent times.

Ms O'CONNOR - Two from Texas. It is happening on a weekly basis. Of course, we are not hearing every story, member for Murchison, but we do know that the effect of abortion bans is that women will die. As history tells us, sometimes women take matters into their own hands.

Ms Forrest - And still die.

Ms O'CONNOR - I can tell this story because my grandmother is long passed. My grandmother, my mother told me after my grandmother had died, was the backyard abortionist of Mount Isa in Queensland. There was no service for country women in those days, 60 and 70 years ago. Mum says she remembers these desperate young women knocking on their house door and never really understood what it was for. Those desperate young women.

We are in a much better place now where there is legal access to safe reproductive health services, but again, there is an equity issue, as the member for Murchison made so clear. We have come some way, but it requires constant vigilance. I wanted to say that because I am very worried that the war on women is going extremely well. It is going almost as well as the war on nature.

Mr President, there is one thing they do say about tackling authoritarianism, at the heart of which is misogyny, and that is do not obey in advance. It is really important that when we see something that is worth standing up for, we see other people's rights being breached or taken away from them, those of us who can have a responsibility to resist on their behalf and do not obey misogynists, racists and fascists in advance. It is through resistance that we change the world. In fact, it is the only thing that has ever led to lasting change.

[5.06 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the government is committed to providing all Tasmanians the right health care in the right place at the right time. We welcome the report of the gender inequity committee and acknowledge the issue of gender inequity and gender bias in health care is a complex one. We thank the member for Murchison for bringing it on for noting.

As the Minister for Health said to the committee, we also know this is a national issue. It is a problem that is not unique to Tasmania. The underlying causes of this issue will require collective action within communities and across all levels of government. A person's gender should not influence access to health care. Health care should be available to all Tasmanians, no matter who they are or where they are from, or their religion, race or gender.

As a government, we are committed to understanding, identifying and addressing the causes and effects of both unconscious, conscious and explicit gender bias in the Tasmanian health system. While this is also a national issue, our government is doing its part in delivering equitable and inclusive healthcare services to Tasmania. We are taking a number of positive steps to address gender inequity.

The Tasmanian government's long-term vision for health services over the next 20 years, the Long-Term Plan for Healthcare in Tasmania 2040, includes a focus on ensuring the health system better engages with Tasmania in decisions regarding their health care. This includes demonstrating respect for their preferences, needs and values to ensure the services provided to all Tasmanians are safe and culturally appropriate.

In collaboration with key Tasmanian government agencies, the Department of Premier and Cabinet developed Tasmania's Health and Wellbeing for Women Action Plan 2020-2023, which is focused on progressing actions to improve women's health and wellbeing. In 2022, the government released its Tasmanian Women's Strategy 2022-2027, which sets out the government's commitment to achieve gender equity.

We are also prioritising a range of targeted measures to meet and support the unique healthcare needs of women, including perinatal and infant mental health services, new state-of-the-art facilities for women's health services at our major hospitals, population and cancer screening programs including Breast Screen Tasmania and the National Cervical Screening Program, and funding to support Women's Health Tasmania and Family Planning to deliver their services.

In relation to gender equity, our government delivered its first Gender Budget Statement as part of the 2022-23 state Budget.

Importantly, the Tasmanian Gender Service was established in 2018 to provide multidisciplinary, person-centred care.

The Department of Health is working on the ways that sex and gender information is collected, recorded and managed in its information and communications technology systems. This will aim to identify opportunities to adapt systems and processes to be more inclusive.

The department is also implementing a consistent statewide gender accommodation protocol based on the success of an existing protocol at the Royal Hobart Hospital. This will support patient privacy and involves minimising mixed-gender accommodation in the Tasmanian Health Service hospital wards and units.

As a government we know a positive culture is vital to delivering high quality, patient centred and inclusive health care. In December of last year, the department launched its One Health Culture Program to realise the vision to achieve culture change, to deliver a health

system where everyone feels valued and supported, and which provides positive and patient-centred environments.

The program is also about transforming the culture to be more inclusive and respectful, and to deliver the best possible healthcare for the Tasmanian community. We also acknowledge the important efforts of Our Watch, which promotes the embedding of gender equality and preventing violence where Australians live, learn, work and socialise.

The department is working to embed gender equity into business-as-usual processes through the development of annual action plans. By implementing cultural improvement initiatives like this, the department is taking action to address any underlying systemic cultural or individual gender bias within our health system that could present barriers to accessing health services. Through the important work of Healthy Tasmania, we are also ensuring there is a greater focus on delivering health and community services that are more inclusive and responsive. This includes providing training and support to staff to ensure health services are delivered in ways that are culturally safe and inclusive for priority population groups, including those within the LGBTQIA+ community.

Our government is committed to providing high-quality health services that are effective, inclusive and equitable for all Tasmanians. Our vision for the health system here in Tasmania is one that is integrated, collaborative and patient centred, where all Tasmanians feel safe and respected. We welcome any learnings from the inquiry that will contribute to an increased understanding of areas of health care in Tasmania where gender bias may be more prevalent and what actions can be taken in response. We certainly note the report.

[5.13 p.m.]

Ms FORREST (Murchison) - Mr President, I thank members for their contribution. I know that they did not respond to all the recommendations, but I appreciate the intent of that.

The important thing is to recognise that this is real. Gendered bias in health care is very real. It is experienced by a lot of people and whilst there are steps being made in the right direction, there is still a long way to go. I hope that if we do revisit this matter in the future we will be able to see great steps forward, that these matters can be progressed through other means as well by asking questions in other forums. It is important that these things are not swept under the carpet and are not ignored, and women's and gender-diverse individuals' voices are heard in healthcare settings and that they are treated equitably and equally, and that some of the really fundamental things that can be fixed, like the funding for family planning, the Medicare rebates for gender-related services are addressed.

I thank the Leader and the member for Hobart for their contributions. I will be continuing to watch this space.

Motion agreed to; report noted.

MOTION

Tasmanian National Preventive Mechanism - Report - Noting

[5.14 p.m.]

Ms WEBB (Nelson) - Mr President, I move -

- (1) That the Legislative Council -
 - (a) Notes the inaugural Implementation Report (the Report) of the Tasmanian National Preventive Mechanism (TNPM), *Preventing torture and ill-treatment in Tasmania: Report to the Tasmanian Government on the Implementation of the Tasmanian National Preventive Mechanism under the OPCAT Implementation Act 2021*, November 2023;
 - (b) Recognises the Report's acknowledgment of the importance of the "strong civil society response" to the TNPM establishment project;
 - (c) Further notes the Report's eight recommendations:
 - (i) That the Tasmanian NPM be established as a new specialised institution, separate from the Ombudsman;
 - (ii) That the person appointed as Tasmanian NPM concurrently serve as Custodial Inspector, which is also to be separated from the Ombudsman, and the offices combined under the recommended governance model;
 - (iii) That the Tasmanian NPM delegate authority to the Commissioner for Children and Young People and establish a joint process agreement for the exercise of functions pertaining to children and young people;
 - (iv) That the Commissioner for Children and Young People and the Custodial Inspector be specifically resourced to contribute to the delivery of the Tasmanian NPM;
 - (v) That the Tasmanian NPM and Commissioner for Children and Young People be colocated in a purpose-designed office setting;
 - (vi) That the Tasmanian NPM establish a formal and permanent Civil Society Advisory Council, which is integrated into its governance structure;
 - (vii) That the Tasmanian NPM's corporate services are provided by an agency over which it will not exercise oversight; and

- (viii) That the Tasmanian NPM and Commissioner for Children and Young People engage cooperatively and provide advice to Government on an agreed approach to the implementation of Commission of Inquiry recommendations related to OPCAT and youth justice inspections.
- (2) That the Legislative Council further notes the Report's Foreword contains a call by the current Tasmanian NPM's urging the Tasmanian government to accept the Report's recommendations in full.
- (3) That the Legislative Council calls on the Tasmanian government to:
 - (a) Commit to accepting and delivering the Report's eight recommendations in full;
 - (b) Deliver an update on any progress made on implementation of any recommendations since the Report's public release on 1 December 2023; and
 - (c) Detail a time frame for the delivery and implementation of any remaining recommendations still to be undertaken and completed.

Mr President, I rise to commence debate today on the motion under my name, Motion No. 1 on the Notice Paper, regarding the inaugural implementation report of the Tasmanian National Preventive Mechanism. That report is titled 'Preventing torture and ill-treatment in Tasmania: Report to the Tasmanian Government on the Implementation of the Tasmanian National Preventive Mechanism under the OPCAT Implementation Act 2021'. It is dated November 2023.

It may surprise members to hear that I had actually hoped we would not need to bring this motion on for debate at all. Given the significant role and responsibilities of the Tasmanian National Preventive Mechanism (the TNPM) this motion should not really be necessary. As many may have noted, I tabled this motion on Tuesday 12 December 2023, just shy of 12 months ago. In that period of almost a year, decisive actions by government, including decisions and resourcing, could and should have rendered this motion superfluous. However, sadly, it remains as timely now as when I first tabled it nearly 12 months ago.

For the benefit of new members and those who may be watching, the logical place to begin is to provide a brief overview of exactly what the Tasmanian National Preventive Mechanism is, its role, and the responsibilities as detailed in the implementation report.

The TNPM is an independent statutory body established under the state's OPCAT Implementation Act 2021. A little more on the act later. The fundamental function and objective of the TNPM is to prevent torture and ill-treatment by embedding best-practice human rights in places across Tasmania where people are or may be deprived of their liberty. Most people's initial assumption is this means those detained in prison or some other form of correctional institution. They are therefore surprised to discover that while that is the case, we,

as in the state, also detain and deprive people of their liberty in a range of other places. This includes in a hospital or similar place, a closed psychiatric facility, a police station or court cell complex, a vehicle used or operated to convey detainees, or any other place prescribed in accordance with the *OPCAT Implementation Act 2021*. Put in its broadest sense and in accordance with Article 4 of the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, I quote:

... deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

For those being detained and deprived of their liberty, that application can be very broad. It is a very powerful thing to have the right to remove or infringe in some legislated manner another citizen's right to liberty.

Those students of philosophical and political science will recognise that much of what is identified as modern Western culture revolves around the concept of freedom and liberty, whether you consider yourself a libertarian or not. So many past and present debates occur within a tension-filled matrix evaluating the appropriate or otherwise curtailing of the freedom of movement. Consider the reaction we saw in recent times when we had border closures during the COVID-19 pandemic, for example, to see where that tension emerges and sometimes erupts. Then there is freedom of speech, freedom of the press, freedom to political association, and the list goes on. Therefore, the right of the state to curb or remove, even temporarily, these freedoms comes down to motivation and justification for doing so.

An obvious justification within our criminal justice framework is state-endorsed punishment - a simplified description for correctional and penal systems. Many here would be aware of the work of social philosopher Michel Foucault, in his seminal publication *Discipline and Punish: The Birth of the Prison*, published in 1975. Foucault traces Western history and state-sanctioned methods of punishment. Foucault's theory is the trajectory for medieval practices of state-wielded authority to inflict physical punishments, through to current practices deemed more acceptable by our modern sensibilities, such as incarceration, incorporating high standards of duty of care. That evolution over centuries maps both what our society considers acceptable, and also how those wielding power have adapted to how they exercise that power.

Foucault postulated that modern Western societies now punish serious breaches of our social contract by targeting that which modern citizens value - our personal liberty. Additionally, the state has also assumed a non-punitive role which we describe as removing people from their own autonomous self-care who are assessed as posing a risk to themselves as well as potentially to others.

Some in the community are surprised to discover hospitals, mental health facilities and aged-care facilities fall within the remit of the UN OPCAT agreement. This recognises that with the state-sanctioned power to constrain or deprive of liberty comes the equally serious risk of abuse of that power. The use of bed constraints or drugs for those deemed at risk of self-harm in medical facilities, for example, failure to provide hygiene care to abusive dementia patients, children locked down in isolation for extended periods of time in youth detention centres are all examples of state-sanctioned exercise of power via laws passed by democratically elected parliaments such as this place.

Sleep deprivation, physical restraints, forced administration of drugs and isolation can all be justified as recognised and authorised forms of appropriate care, but in other circumstances they are equally recognised under international convention as forms of torture. The potential abuse of that legislative power can occur at many levels. It may stem from isolated incidents of poor practice, through the institutionalised normalising of cruelty, stigmatisation and dehumanisation. It may no longer be officially sanctioned, but cruelty, torture and stripping of human dignity can and does still occur. That is where the UN OPCAT agreement comes in.

OPCAT is countries such as Australia, when it ratified the convention in 2017, recognising its responsibility to ensure it exercises appropriately its sanctioned right to deprive of liberty its citizens and residents in specified circumstances. Ratification of OPCAT and the legislating of implementation laws, such as Tasmania did in 2021, is recognition of the potential for the abuse of those rights and powers and the potential abrogation of those responsibilities exists. It is not some far-flung conspiracy theory; it is real and it can happen here. When this parliament passed the OPCAT Implementation Bill 2021, which came into law on 20 January 2022, Tasmania was the first Australian jurisdiction to do so in compliance with Australia's responsibilities upon ratification of the protocol. No law is ever perfect; however, this is something of which we deserve to be proud of.

This was a seismic formal recognition that we have more than the principle of a duty of care to those in the state's custody. We have fundamental human rights obligations and responsibilities. This brings us back to the Tasmanian National Preventive Mechanism (TNPM) established as an independent, permanent monitoring body of those human rights within Tasmania's prisons and places of detention deprived of liberty under Part 2 of the *OPCAT Implementation Act 2021*.

Although the focus of this motion is on the TNPM implementation report, which I will now turn to, it is important to place both the TNPM and this report within that broader historic international and national human rights framework and obligations in order to fully recognise the significance of this independent statutory entity and the implications of inadequate state action and resourcing in relation to it.

The 'Preventing torture and ill-treatment in Tasmania' implementation report of the TNPM not only describes what the TNPM is, but, more importantly, provides a detailed synopsis of how it intends to undertake its mandated responsibilities. This report, which was released publicly on 1 December 2023, provides a detailed account of the processes, consultation and time lines undertaken to develop the TNPM in accordance with both our act and the ongoing development of the national OPCAT framework, consistent with Australia's obligations under OPCAT.

According to the implementation report, the project's objective was: 'to design an NPM framework that is appropriate for Tasmania, embraces contemporary best practice, and provides a roadmap for its operationalisation'.

That is from page 33 of the report. That road map includes a development of a series of expectations for the treatment of people deprived of their liberty. These expectations are intended to be working documents used to support the TNPM by detailing facility visit processes and criteria. They are currently available on the TNPM website and are intended to operate as living documents.

The implementation report also provides projected establishment and ongoing operational budgets, plus a series of recommendations. It truly represents a substantial and impressive body of work undertaken over a mere 12 months, between September 2022 and September 2023, with Tasmania at the forefront of developing an OPCAT-compliant operational model.

Time constraints today prevent me from reviewing the implementation report in detail, but others are able to do that at their leisure. Instead, today I wish to focus on the report's eight recommendations, as detailed in the motion that we have before us and, further, in the interest of efficiency, rather than go through the eight individually, I shall instead discuss them thematically.

The first of those themes is independence. The statutory and operational independence of the TPM is non-negotiable. As acknowledged, in the then attorney-general's second reading speech of 2021, in order to be compliant with OPCAT, each and every Australian state and territory needs and I quote former attorney-general Elise Archer:

... to designate an independent monitoring body for the prevention of torture and ill-treatment at the domestic level - which the protocol names the 'National Preventive Mechanism' or NPM for short.

So, an independent monitoring body. Recommendations 1, 2, and 7 go to the best model by which to implement an effective independent monitoring body. Given it was mooted during debate, the Tasmanian NPM would be added to the multiple hats already collected by the Tasmanian Ombudsman, in particular including also the role of the Custodial Inspector. Arguments were put forward at the time to establish the TNPM as separate to and distinct from the Office of the Ombudsman, which currently has seven separate roles at last count. Clearly, this view was reinforced by the first recommendation of the TNPM, which was to be established as a new specialised institution separate from the Ombudsman.

It is also reiterated by the current Ombudsman in the implementation report's foreword where he states:

A key outcome of this project is that the Tasmanian NPM must stand on its own, led by a person that does not concurrently serve as Ombudsman.

It makes sense on so many practical, mandate, and operational levels, as does recommendation 7 that the TNPM's corporate services are provided by an agency over which it will not exercise oversight and that consideration be given to its designation as a state authority under the *State Service Act 2000*. As detailed on page 135 of the implementation report, this is to safeguard and uphold the TNPM's critical independence, particularly of those it may be monitoring in its oversight capacity.

The next area I would like to touch on is the structure of the NPM and co-location with the Office of the Commissioner for Children and Young People. In addition to concerns raised, with yet further hats being placed on the current Office of the Ombudsman's role, members who participated in the 2021 debate would recall the discussion regarding the fact that the role does not need to be filled by a single individual or office. Arguments were put forward at the time to establish the TNPM as a multiple grouping delivering on the mandated roles and referring in support of that position to the few available international examples of models at

the time that utilised multiple independent entities to comprise their respective TNPMs. New Zealand's NPM, for example, consists of a group of statutory bodies which share their oversight responsibilities, including the New Zealand Ombudsman, the Independent Police Conduct Authority, the Children's Commissioner and Commission, and the Inspector of Service Penal Establishments, all coordinated by the New Zealand Human Rights Commission, which acts as a central NPM.

In that context, the implementation report's recommendations 3, 4, 5 and 8 are highly pertinent and, in my opinion, should be adopted expeditiously, particularly in light of current discussions regarding the formation and structure of the new Commissioner for Children and Young People in this state. It is opportune to consider in a holistic and integrated manner how that fits alongside the TNPM. The specific and reiterated recommendation of the inclusion of the Children's Commissioner as a member of the operational TNPM is also highly relevant. A significant formal recognition of the different human rights responsibilities, rights and obligations when it comes to detaining and depriving the liberty of our children and young people, whether for restorative justice, health, education or other reasons. It should not need pointing out that in light of the commission of inquiry, this recognition, as articulated by these recommendations, must be heeded.

Moving on to another extremely significant area recognised by recommendation 6, which is that a formal and permanent civil society advisory council that is integrated into the TNPM's governance structure be established. This is a long overdue and very welcome recommendation. Many in our civil society have lived experience, a broad range of expertise and skills which should be tapped into to drive the necessary cultural change both within our institutions and facilities, as well as without. TNPM has a mandated educative function which is fundamental to the premise of prevention. Educating and driving cultural change amongst our policy developers, implementers, legislators, budget designers, schools, workplaces, et cetera, can only be done do so with the active engagement with and utilisation of our civil society, individuals and organisations, such as our local groups. TasOPCAT comprises lived experience, policy and academic expertise, as well as operational and community delivery skills. Hear, hear to recommendation number 6.

The implementation report presents a comprehensive document culminating 12 months of work. It must be acknowledged that, as stated by the Custodial Inspector in his foreword to the report, the funding provided in both the 2022-23 and 2023-24 state budgets reflected the initial request to undertake the implementation project and hire the necessary staff required for that project. However, there now appears to be a worrying stagnation of government support and resourcing. On 7 August this year, we saw the Tasmanian Custodial Inspector take a highly unusual public step. The Custodial Inspector, Mr Richard Connock, issued a media statement calling for urgent funding to support the further implementation of OPCAT in Tasmania, saying that vulnerable people in the community are being left at risk of being deprived of their human rights. Further, despite funding the initial implementation planning, Mr Connock states funding commitments following the release of the implementation report remain unclear, while there is an urgent need for the implementation of OPCAT in Tasmania to ensure all people deprived of their liberty are treated humanely and in accordance with fundamental human rights. When the September state budget for 2024-25 was delivered, we saw a measly \$300,000 provided to the TNPM. When we examined the Ombudsman during the Legislative Council budget Estimates hearings on Monday 23 September this year, here is a brief snippet of that examination on this topic. I asked in that Estimates hearing of the Ombudsman:

Perhaps we could ask the Tasmanian TNPM, how many visits are made possible under \$300,000 a year.

Mr Connock replied:

Thank you. Effectively not many, if any at all.

Chair - Effectively not many.

Ms Webb - So perhaps no visits at all -

Mr Connock - Perhaps no visits ... one thing that I can do with that money is make the position of the director a permanent one. But that's about all I can do with it.

Despite funding a 12-month implementation project which delivered a comprehensive report, including a budgeted proposal covering the establishment and operations of the TNPM, which required, according to that report, approximately \$1.5 million for the financial year 2024-25 and \$1.7 million for the financial year 2025-26, when it was projected that TNPM would be fully functional, the government, in its wisdom, provided a tokenistic \$300,000. Attempting to disparage this as a joke, however, the deprivation of liberty of our fellow Tasmanians is not a joke, not even a bad one. Instead, what this failure to adequately respect the role of the TNPM and fund it accordingly indicates is that Tasmania is largely compliant with our national and international obligations solely on paper. Disappointingly, Tasmania is not complying with nor delivering on the intent and the spirit of our OPCAT law, which we so laudably passed as the first in the nation. This failure is not due to any negligence on behalf of the Tasmanian National Preventive Mechanism and the wonderful work that it has put into providing a model through its implementation report.

I could go on with my concern and outrage about the blatant disregard and gaslighting of the community the government has indulged in here via their failure to take their own legislation seriously. It is evident they hold in contempt Tasmanians' human rights, as demonstrated by their disregard for the fact the state has a responsibility to ensure the TNPM is funded and resourced so that it can deliver on its legislative requirements.

This brings me to clauses (2) and (3) of the motion before us. I note that despite Mr Connock's foreword in the implementation report, urging the state government to accept the report's recommendations in full, there does not appear to be a formal response by the government to this report, despite it almost being a year since it was publicly released. Quite frankly, that is not good enough - although sadly, it is highly in keeping with the tokenistic \$300,000 provided in the Budget that will not even allow the TNPM to undertake its core functions.

I hope we will receive today a formal response to the implementation report of November 2023 during the government's contribution and that this overdue response announces a full acceptance of all the recommendations detailed in the comprehensive report, as detailed in clause (3)(a) of my motion.

Further, as requested in clause (3)(b) of my motion, it is incumbent on the government to provide a detailed progress update on the implementation of the report's recommendations,

particularly given some of those recommendations' relevance to the ongoing implementation of both the Disability Royal Commission recommendations and the Tasmanian child sex abuse commission of inquiry recommendations.

Finally, clause (3)(c) is clearly imperative, not only in light of the government's egregious budgetary funding fail, but also in recognition of the fact it is incumbent upon both government and parliament to ensure independent statutory entities are resourced appropriately to deliver the legislated functions and responsibilities that they have. This parliament in 2021 passed nation-leading legislation recognising we had a fundamental responsibility to protect the human rights of Tasmanian citizens, residents, children and the vulnerable upon whom the state of Tasmania may exercise its sanctioned capacity to deprive them of their liberty for a range of punitive and non-punitive reasons. Therefore, I cannot stress enough this parliament continues to have just as active a responsibility to ensure those recognised human rights are actually and in reality being protected - not just by some written piece of law put on the statutes and then underfunded and forgotten about, but by a properly resourced and functioning independent statutory oversight entity. We cannot formally recognise that risk to human rights and then attempt to outsource the responsibility for protecting those rights to an office with a name and maybe one full-time staffer, but which, as has been clearly placed on the public record, will not be able to conduct any inspections of those sites where deprivation of liberty is occurring, its fundamental role.

If we do so, then we need to publicly acknowledge we have set up the TNPM to fail. That we only intend to comply with our international OPCAT obligations as some form of mealy-mouthed lip service. If that is the case, then this parliament and this government should have the guts to say that is the case and stop the sham or this parliament holds the government to account, holds them to the intent and spirit of the OPCAT Convention and its own *OPCAT Implementation Act 2021* and demands action and appropriate resourcing.

On the matter of funding, I am aware from the beginning it was flagged by the state government that it would be in talks with the Commonwealth regarding funding contributions towards the funding of state and territory NPMs under the national NPM model.

I am also aware the Commonwealth NPM has issued recent statements decrying the failure to fund the NPM model adequately via the most recent federal budget, which is also extremely disappointing. However, the state government cannot avoid the fact it is responsible for ensuring its own statutes are workable and functioning. While it would be helpful for some joint contribution from the Commonwealth, no doubt the fact remains it is state legislation and the Tasmanian government has a responsibility for the core operational funding of the Tasmanian NPM. No ifs or buts about it. It is necessary to point that out just in case the government's response here today makes a feeble attempt to shift the lack of funding blame to its federal counterpart. May I say right now to the government, please do not waste this Chamber's time with any such claim, because it will not wash.

In conclusion, I reiterate my opening comments. I had hoped when I tabled this motion in December last year, it would quickly become redundant due to a formal government acceptance of the implementation report's recommendations and commencement of an appropriately resourced action plan. Yet, as we know, this motion unfortunately is still relevant almost 12 months on. I wish to briefly revisit the former attorney-general's second reading speech, as referenced earlier, as we know.

Courts and others look to second reading speeches to assess intent and purpose of legislation, the intent and purpose of the *OPCAT Implementation Act 2021* can be interpreted by the following statement from the former attorney-general made during debate and I quote:

Our government is committed to ensuring that people in places of detention are treated humanely, appropriately, and in accordance with the international law. I look forward to working with the NPM in this new role that independently provides oversight and an important responsibility.

Despite this government's latest failure to deliver on that expressed intent, it is still salvageable. Tasmania can still deliver on that intent. It is imperative that we do so. As I raised at the outset of this debate, the ratification by Australia of the OPCAT Convention was a formal acknowledgement that with the extraordinary state-sanctioned power to deprive people of their liberty comes the real risk of abuse of that power. Tasmania, leading the way by being the first state to legislate in accordance with the proposed national model of state-based NPMs, now also enshrines in our statutes that acknowledgement of human rights, responsibilities and risks of such power.

As the ultimate legislators, this parliament not only has the right but an obligation to see that such an acknowledgement of the need for legislated oversight of such a power is then enacted and resourced swiftly and comprehensively in an accountable way.

Finally, I take this opportunity to remind members of an invitation they would have received recently from the TNPM to attend a briefing on 27 November, next week, in the Long Room, commencing at 1 p.m. This briefing will include a presentation on a supplementary report on the TNPM's mandate and the TNPM's annual report for 2023-24. Significantly, this briefing will also include OPCAT expert Mr Ben Buckland from the Association for the Prevention of Torture in Geneva. While recognising that that is not necessarily the lightest of subjects to be contemplating during our lunchbreak, I urge members to try to attend, even briefly, to benefit from that briefing.

Mr President, on that, I commend the motion to the House.

[5.42 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I will only make a brief contribution on this matter and thank the member for Nelson for bringing it forward.

Is it not disappointing how often we have debates in this parliament about government underfunding our integrity and accountability structures? We have the Ombudsman's annual report out today, which I have only had a glance at, again calling for substantial reform of right to information. The Integrity Commission, which receives about half the funding of comparative jurisdictions' integrity bodies in the ACT and the Northern Territory, a statutory office, the National Preventive Mechanism, which is manifestly overworked but has done everything that the parliament and the government asked of them in this role, to the point now where the funding for this role, according to Mr Connock himself, is not enough for him to fulfil his statutory responsibilities but, more importantly, not enough to allow him to undertake those inspections that will prevent the torture, cruel and inhumane treatment of people who have had their liberty taken away from them.

I noted in the correspondence from the Tasmanian OPCAT network a nod to the Attorney-General stating that the underfunding of the NPM was unacceptable. I do not recall that statement. I certainly recall the minister, Ms Ogilvie, when she was asked at the table about the underfunding of the NPM and the statements that have been made by Mr Connock, almost desperate statements, said very clearly - and this is something that we need to follow up - that it was not good enough.

If the Attorney-General said that and I have missed it, or was not paying attention at that moment, that is a positive that there is an acknowledgement of the underfunding, but Ms Ogilvie initially tried to read from the brief in response to the question. We had an exchange where I said it was not going to be so productive if she just reads from a brief. I pointed out that the government could find \$4 million for a chocolate fountain and cannot fund the National Preventive Mechanism. Ms Ogilvie said at some point that it was not good enough. She said:

I am really aware that our government has a duty of care to everybody that we have in a custodial setting. It's really important. We have established this function. I mean, ongoing conversation with the custodial inspector and the NPM specifically in my areas of purview, but I do want to also say that it's important that that occurs right across our justice system, and we know with the commission of inquiry work that there is so much work to be done. I recognise also this is a hard Budget.

Well, it was not a hard budget for the gambling industry. It was not a hard budget particularly for fans of the stadium. It definitely was not a hard budget for Cadbury's, which, by the way, having been allocated millions of dollars in public funds through an election promise that is being delivered through the state budget, just last weekend was sacking workers. What a surprise. This government has provided public cash money to a multinational corporation to build a chocolate fountain, but what it really did was help Cadbury sack Tasmanian workers - more than 20, from memory.

We had Ms Ogilvie here saying so. Ms Webb, the honourable member for Nelson, asked the question:

In this Budget, not one visit will be undertaken. Is that acceptable to you that the facilities you're in charge of, as minister, will not get one visit from the NPM?

We had a flare of honesty at the table. Ms Ogilvie said:

It is not acceptable that we are establishing an organisation that needs more resources to do its funding.

Well, it says here funding, which I suspect is a typo - more resources to do its work. She said:

That is something that I am concerned about, and as I have said, I am in dialogue with the organisation about that.

It is now on the government, on the Attorney-General, Deputy Premier and Treasurer, to stop this farce. It is simply not good enough for government, during a state election campaign,

to be able to find hundreds of thousands, millions of dollars, to sprinkle around as part of your electioneering or vote-buying, to chuck some money at a multinational corporation which turns around and sacks some of our people, but underfund the architecture and the structure that holds up our institutions and our democracy in the Integrity Commission, the Office of the Ombudsman and the Custodial Inspector, and the National Preventive Mechanism.

Parliament made its position on this very clear. In fact, we led the nation at that time. New parliament, new Attorney-General, but a massive slap in the face, in fact to parliament, which voted through the OPCAT bill, which agreed we wanted to establish this statutory function, because from our history we know we need eyes in these places to protect people.

Right now, we still have young people suffering in Ashley Youth Detention Centre. I am sure some changes have been made - how could they not be? The Custodial Inspector's most recent report on Ashley Detention Youth Detention Centre noted some improvements. Still, every day there are people in places of detention, in youth justice facilities, aged-care facilities and supported accommodation. There are not the eyes in there. As a society, we want to believe that we have created systems and structures that provide safety for vulnerable people, but we leave a lot of it on trust. Parliament trusted this government to fund this statutory function and it is not properly funded. In fact, it is funded in such a manner that it seems deliberate. I am sure government does not want us in here or members of the community forming the view that they are deliberately underfunding our integrity and accountability bodies. I am sure the Attorney-General does not want members of this parliament or the community to hold the view that he did not fight hard enough for funding for the Integrity Commission or the NPM.

I will close with this. The thing is that we cannot be sure that people who have had their liberty taken away from them, or who live in a constrained space where their freedoms are restricted, are not being subject to cruel, inhuman treatment or torture. We recognise the risk as a parliament. The Australian Government recognised the risk when it signed up to the optional protocol. The Tasmanian parliament understood it needed to take steps to mitigate risk. A significant part of that was the horrors that unfolded as eyes were cast on Ashley Youth Detention Centre, and whistleblowers came forward to tell us what was happening in there to children and young people, and what had happened to them.

We cannot be absolutely sure those things are not happening. The NPM cannot do visits at the moment; cannot even do visits. That is obviously why Mr Connock is fed up to his back teeth, having worked so hard and given so much to the people of Tasmania, and he is certainly unleashed on a recent committee inquiry I sat on. He is inviting members of parliament to come to a briefing so that we can collectively understand the seriousness of this underfunding choice - because it was a choice - and hopefully walk away from that briefing with a new resolve to make the government come good on its promise. At the moment, the risk is not sufficiently mitigated. That is on this government - the government that made a political choice to fund a chocolate fountain instead of funding the Integrity Commission and the NPM properly. Mr Connock's budget request for the NPM was quite modest. I think it is about \$2.7 million over the forward Estimates.

We cannot accept this. We cannot accept that government should be allowed to choose chocolate fountains and stadiums over the protection of people in detention. We will not accept it.

[5.55 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, at the outset I would like to say that the government will not be supporting this motion. While I acknowledge the member's ongoing interest in this topic, this is not the appropriate forum to discuss the implementation report of the Tasmanian National Preventive Mechanism. Given the report and the recommendations relate to the detention of persons it is important that it is carefully considered by government in consultation with progress and learnings in other jurisdictions. We are not going to respond to demands from the member to produce arbitrary documents. The government has an exceptional track record in this space and I note the comments in the report following the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's visit to Australia and I quote:

In Australia, Tasmania is currently the only state jurisdiction where the legislation has provided the Ombudsman with the power to visit all places of deprivation of liberty, incorporating the broad interpretation provided by the Subcommittee and aligning it in that sense with the provisions of the Optional Protocol.

As members may recall, the Commonwealth Government ratified the Optional Protocol to the Convention against Torture (OPCAT) in December 2017. The protocol's intent is to improve the oversight of places in detention in Australia. Tasmania is leading the nation in progress in the implementation of OPCAT. The Tasmanian government is supportive of the robust requirements of the OPCAT, demonstrating our strong stance on ensuring best-practice oversight of places of detention within Tasmania.

OPCAT provides for a two-part system for inspecting places of detention, including allowing periodic preventive visits by the United Nations Subcommittee on the Prevention of Torture (SPT) and through the Tasmanian National Preventive Mechanism, the TNPM, conducting routine visits to places of detention and monitoring of treatment of persons in detention in Australia.

The *OPCAT Implementation Act 2021*, or the *OPCAT Act*, commenced on 20 January 2022, giving effect to Tasmania's obligations under the protocol, with Tasmania's Ombudsman and Custodial Inspector, Mr Richard Connock, being nominated as the TNPM. Our comprehensive OPCAT statutory framework, along with the appointment of Mr Connock as the TNPM, demonstrates the government's strong stance on ensuring thorough oversight of places of detention in Tasmania.

Since the act commenced, the TNPM has employed a project manager and has undertaken an extensive amount of work to scope and establish the office of the TNPM. To inform the establishment, the TNPM engaged subject matter experts, stakeholders and civil society, as well as Tasmanian government departments. The work of the TNPM included hosting the 2024 OPCAT Symposium in Hobart on 18 and 19 March this year. The symposium brought together NPMs from across Australia with subject matter experts and interested people to look at the scope of the NPM's mandate and how it is applied in practice in different deprivation of liberty environments.

The TNPM's implementation report, Preventing Torture and Ill-Treatment in Tasmania, was publicly released on the 1 December 2023. The Tasmanian government welcomes the release of the comprehensive implementation report, which provides a clear rationale and

pathway to enable robust strategic oversight for places of detention settings in Tasmania. On behalf of the government, I would also like to thank Mr Connock and his team for their work in preparing their first report. The implementation report sets out the operational model for the Tasmanian NPM with detailed foundational information, analysis, comparison and strategy for operationalisation based on a three-year strategy for staged implementation. The Tasmanian government acknowledges the current work of the TNPM in drafting the expectations of materials covering a number of specific areas: children and young people, police and court custody, mental health and adult custodial centres. I note that the Attorney-General, the honourable Guy Barnett MP, as the responsible minister, has responded directly to Mr Connock acknowledging the report and requests for funding.

I will speak about the report's recommendations. The Tasmanian government acknowledges Mr Connock's strong encouragement of the Tasmanian government to accept the recommendations in full, noting the overlap with recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, called the commission of inquiry. So the government's ongoing commitment and leadership in the implementation of OPCAT in Australia demonstrates our proactivity in ensuring a strong civil society response through effective oversight of places of detention in our community.

I will now talk about the intersection with commission of inquiry recommendations. I note that that the government is progressing the recommendation in relation to the interaction of the NPM with the Commissioner for Children and Young People specifically. Recommendation 3 of the implementation report is that the Tasmanian NPM delegate authority to the Commission for Children and Young People and establish a joint process agreement for the exercise of functions pertaining to children and young people.

Recommendation 12.39 of the commission of inquiry is: the Tasmanian government should:

- a. appoint the Commission for Children and Young People (Recommendation 18.6) as an additional National Preventive Mechanism under the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), with expertise in child rights, child trauma, the prevention and identification of child abuse, the needs of Aboriginal children and young people and the needs of children and young people with disability, and with power to inspect places where children and young people are detained
- b. resource Tasmanian National Preventive Mechanisms sufficiently to allow them to effectively fulfil their functions under OPCAT.

As the government's response to the commission's report stated, implementation planning will start in line with the establishment of the new CCYP and associated legislative amendments. The commission of inquiry recommendation reforms remain the government's legislative priority. The commission of inquiry's time line for commencement of the proposed

CCYP was 1 July 2024 and I understand that a relevant bill is currently out for consultation and closes on 15 December 2024.

I understand that this bill proposes to provide commissioners with the power to inspect detention facilities. Specifically, the bill will enable commissioners to access and inspect detention facilities as a statutory right where a child or young person is detained. This may include an adult prison. The commission would work with the Custodial Inspector to minimise any overlap. The proposed coercive entry powers are based on similar provisions in the *OPCAT Implementation Act 2021*.

A later 2026 commission of inquiry recommendation will see the new commission added as an additional National Preventive Mechanism under the act, which was a factor in using it as a template for the bill. These proposed entry powers treat the definition of young person differently to how the term is used in the rest of the bill. For the entry power, a young person is someone aged up to and including 20 years of age. For the remainder of the bill, the term has the same age cap that is defined as such at the discretion of the commission or the commissioner.

Finally, the difference was set so that the statutory power to enter a prison or detention centre is not determined by a commissioner's decision as to whether an individual is a young person or not, so that the power is consistent and clear for all.

The commission of inquiry time line for appointment for the CCYP as NPM is by 1 July 2026.

I would like to touch on funding. Our government has committed to funding the TNPM as required. That has resulted in Tasmania's advanced position in the implementation of OPCAT. I note the implementation report sets out a staged three-tier implementation process with incremental scaling-up of the size of the TNPM office and capabilities commensurate with an incremental increase in functions of the TNPM. The government has invested and will continue to invest in the office of the TNPM and I note Mr Connock's comment in the inaugural report that 'funding provided in both the 2022-23 and the 2023-24 budgets reflected what I requested'.

Ms Webb - Unbelievable. What about 2024-25 and 2025-26?

Ms O'Connor - Minor details, Nelson.

Mrs HISCUTT - In this year's 2024-25 Budget, \$300,000 of ongoing funding was made available to the NPM on top of the \$400,000 over two years to enable the Custodial Inspector to increase monitoring of the Ashley Youth Detention Centre. The government will continue to work with the TNPM to ensure we are fulfilling our requirements under OPCAT.

In conclusion, while our government supports the ongoing work of the TNPM and continues to work with Mr Connock and his team to support them to deliver sufficient oversight of places of detention in Tasmania, we do not support the motion before us today and I encourage members to note our government's exceptional record in this space and progress in implementing the recommendations of the TNPM inaugural report.

[6.07 p.m.]

Ms WEBB (Nelson) - Oh my goodness, Mr President, my goodness indeed.

First, let me say thank you to the member for Hobart for making a contribution on the motion. I appreciate that and I agree with the remarks made about the difficulty of believing that we would go to the trouble in this state to be nation leading in establishing an NPM mechanism under legislation that went through this place only to, after establishing it, asking it to develop a model, having that model presented and outlined in an excellent report, then utterly fail to fund it. We are not talking about big bickies here. We are talking about an amount of money that can be agreed to over a handshake at a social function and be given to private companies as corporate welfare at the drop of a hat, it seems. We are talking about \$1.5 million that was requested for the 2024-25 year, \$1.7 million for the year following and \$300,000 which was given, an utter disgrace. I will pick up on that later.

Let me now turn to the government's - what I cannot even bring myself to call a - contribution. Actually, it is just an insult. I put these motions up, as do all members, in good faith of discussing something appropriate in this place over which we have some parliamentary oversight and responsibility in terms of scrutiny and holding the government to account for the members of our community who elected us to be here to do that job. I believe the Leader, on behalf of the government, began that contribution by trying to suggest that this was an inappropriate motion, that this was not the appropriate place for us to be having this discussion. It's utterly astounding for that to even be tried on as a statement here. We are talking about a statutory entity under legislation that we passed in this place, that we put in place to ensure that, as a state, we are appropriately undertaking our powers in terms of deprivation of liberty of citizens. An independent oversight mechanism under statute. There is no other place but here to have this conversation and discussion. How dare the government suggest otherwise? How dare they? It is not us in this place not doing our job when it comes to protecting human rights, not while I am here. It is this government not doing its job to protect the human rights of Tasmanians appropriately when it comes to matters like funding the Tasmanian NPM appropriately. It is this government that is failing utterly, and this place here will not fail in its job of oversight and scrutiny of a government so chronically failing. It is not a good day for this government to make such ridiculous statements.

Not only that, apparently this motion is making some sort of 'demand for arbitrary documents' - that was the phrasing. Well, excuse me, let us be very clear here, this motion is an entirely reasonable motion, noting a report of a statutory entity, the recommendations that report made, and the call on the government made in this motion, an entirely modest and appropriate one it is. It calls on the Tasmanian government to:

- (a) Commit to accepting and delivering the report's eight recommendations in full.

Straightforward. We often call for a commitment, an indication of government support for recommendations made by independent statutory entities such as the TNPM.

- (b) Deliver an update on any progress made on the implementation of any recommendations since the report's public release on 1 December...

It is an update that literally could have been exactly what the Leader did right here in her contribution when she spoke about recommendation 3; she literally provided an update in relation to the recommendation relating to the Commissioner for Children and Young People

and the co-location and co-organisation, as suggested by the commission of inquiry also. She literally did what (3)(b) is calling for in relation to that recommendation. Where is the harm in that?

I am not calling for arbitrary documents, I am calling for information to be shared in the public domain. The Leader can do it here at the podium. They could put out a press release, they could put it in a formal response. They can set it to music for all I care. Providing an update is a very simple thing to do and if you have not made progress, just say you have not made progress yet, or perhaps you are intending to do that at a later stage. It is not even asking them to have done it, just for an update on progress as to what they are doing in relation to it. It is not hard, it is reasonable and it is appropriate for this place to be asking for it. And it is utterly pathetic that the government cannot even see fit to support a motion calling on them to provide an update on their own activity in relation to a statutory entity. I cannot shake my head enough on this.

The third thing, (3)(c), in the motion calls for them to 'detail a time frame for the delivery and implementation of any remaining recommendations still to be undertaken and completed'. Again, it is not calling on them for it to have done it and is not calling for it to be of any particular depth and detail. It simply says, tell us what the time frame is for putting the other recommendations into place. It is an update, it is information, it is what we are supposed to seek here in this place on behalf of our communities in relation to government actions being taken or not taken. There is nothing arbitrary about these calls. There is nothing that says it needs to be even in document form. It is simply calling on the government to provide information, but it showed itself to be utterly insincere in its commitment to human rights and the oversight through the Tasmanian NPM in not even being prepared to provide that.

It is all very well for the Leader to get up here and speak about the government's understanding about how important OPCAT is and how important it is that they have funded thus far the establishment of the TNPM and the work done over the past two years, which is detailed in the implementation report that we are noting today. Excellent. That is fantastic. No-one is taking any issue with that. Yes, they have done that work and funded that work as required, but here is where the rubber hits the road: we have legislated something into existence, we have funded for it to begin and to develop a model that needs to be taken forward for it to actually do the work, as described in the legislation, and now we are tripping at the first hurdle because it literally cannot do the work. It literally is not funded to do any visits, which is the core function of this role. The Tasmanian NPM will not be able to provide oversight as legislated because it does not have the money to do visits. Utterly unacceptable. For the government to come here and pretend in its contribution that there is anything laudable about the fact that it has failed entirely to fund this entity to do this important work is astonishing.

It is all very well for the government to welcome this report and to thank Mr Connock and his team for the report, but if you then ignore the report and prevent it from being implemented through a lack of funding, then that is nothing more than spitting in the faces of Mr Connock and his team. In fact, just today we had tabled the Ombudsman's annual report and I am going to quote from page 15 of that report that was tabled today. This is what it said in the Ombudsman's annual report on this topic:

On 1 December 2023 I published my implementation program report, Preventing Torture and Ill Treatment in Tasmania and delivered it to

Government. This included recommendations for the NPM's organisational design and the development of strategic goals. The report can be accessed at: npm.tas.gov.au.

Here it is. Then he says this:

Regrettably I have received no response to that report or its recommendations.

I do not know if the Leader, inadvertently perhaps on her part, but maybe not inadvertently on the government's part, stood at this podium and misled this Chamber in her response because she said that the Attorney-General had written or had done something in private acknowledging the report to Mr Connock. Yet the Ombudsman's annual report for 2023-24 tabled today says otherwise. Although this report was tabled on 1 December last year, either the Attorney-General did not respond at all through to 30 June 2024, which is a period covered by the annual report, or has subsequently responded. It would be interesting to know that time frame. Maybe the Leader has not misled the Chamber, but she had better be careful about actually providing us, I think, so that we can be sure we were not misled, the date at which the Attorney-General communicated with Mr Connock in relation to this report and what form that communication took because here in the Ombudsman's annual report, Mr Connock says otherwise, certainly through, I presume, to 30 June this year. Disgraceful.

If it did not happen until after 30 June this year, if it has happened at some point post 30 June through to now, how pathetic is that? Maybe it was only done because this motion was on the books here in this Chamber. Maybe it was only done because they knew they would have to actually speak to it here in this Chamber. Oh, but that is right, the government does not think this is the right place for us to be discussing this. Well, if it is the only way to get action from the government on this and actually prompt them to respond to Mr Connock, then it is a good thing we are doing it.

Mrs Hiscutt - Through you, Mr President. I have just seen a letter that was sent on 5 June. It does have sensitive information, therefore, I cannot table it. I am sorry, but it was a letter.

Ms WEBB - I am not asking for it to be tabled but it is very interesting. If it was 5 June, it is within the time that this Ombudsman's annual report covers, 2023-24. Why would the Ombudsman say, 'Regrettably I have received no response to that report or its recommendations'? That is an interesting point. I think the government is on shaky ground there. Sounds like they are saying Mr Connock is misleading in his annual report.

Mrs Hiscutt - Not at all.

Ms WEBB - One of you is telling the truth and somebody is not. Given that there is a reluctance here on the government's part to be upfront about why they are utterly failing to fund this entity to do its work, it does not look good for the government.

As you can tell, I feel quite strongly about this topic. That is because it is fundamentally important. The state as an entity has extraordinary powers over its citizens and the deprivation of liberty is one of those extraordinary powers the state has. The risks that go alongside the exercise of that power can be so significant and consequential to our citizens. That is why oversight bodies are so important. We have established the TNPM under statute in this place.

We agreed it was important that we lead the nation to do so. The government invested these past two years in an establishment process so that the implementation report could be developed, a model could be put forward as appropriate for the entity to undertake its work. Here we are at a time the government is utterly failing to then fund the entity to do any of that work. Literally, not a single visit can occur under the funding provided.

The motion that I am asking members to support in this place is entirely reasonable and appropriate; it calls on the government to commit to accepting and delivering the report's eight recommendations in full, which are listed there and any member can read and see are quite reasonable and modest recommendations - some of which the government is already doing as the Leader accidentally gave us an update on as per (3)(b) of the motion during her contribution. Part (3)(b) calls for delivery of an update on progress made on the implementation. The government can do that in any number of ways back to this place. It is an easy thing. Tell us what you have done. It is not saying you have to have done it, just tell us what you have done to date.

Then 3(c) is: tell us what the plan is going forward to implement them. They are such modest and easy requests in this motion. I ask members of this place to support this motion. I ask the government to have a little more common decency in responding to motions such as this in this place henceforth. It is so unbecoming for a government to get up and suggest that this Chamber doing its job through motions such as this is inappropriate. I absolutely decry that kind of attitude and behaviour from the government and ask it to have the self-respect not to do it again.

I commend the motion to members and I hope that they will support it.

Motion agreed to.

ADJOURNMENT

[6.23 p.m.]

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

That the Council at its rising adjourn until 11 a.m. on Wednesday
20 November, tomorrow.

Motion agreed to.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
I remind members of our briefings tomorrow morning, starting at 9.30 in Committee Room 2
with regards to the Expungement of Historical Offences Amendment Bill 2024.

Mr President, I move -

That the Council do now adjourn.

Forest Rally Speech - Gracie Kuylaars

[6.23 p.m.]

Ms O'CONNOR (Hobart) - I seek your indulgence to make a short contribution which is not in my words; it is in the words of Gracie Kuylaars. Gracie gave a speech at the Forest Rally on the lawns of Parliament on 3 November. I was so moved by her wisdom and empathy, insight and deep love of the natural world that I asked Gracie and her mum, Eleanor, if I could read her speech to my colleagues in this place.

Gracie said to hundreds of people on the lawns:

Hello, my name is Gracie. To listen is to care. So, bare your soul to the swishing trees that carry secrets in the breeze.

I'm 12 years old and an environmental activist. I love taking inspiration from my time in the forests to write poetry and to paint masked owls and the other wonderful creatures that call lutruwita home. I love nature. I love every aspect of the forests. I love being able to look for a scat or tracks on the ground and search for Tasmanian masked owls in the trees. I love the smell of the forest and the feel of the dewdrops falling on my head. I love big things like the trees and tree ferns. I love the small things like the fungi and the shiny filmy ferns. I love camping overnight and listening to the forest come alive. My favourite place to be is the forest and my favourite thing to be doing is exploring it. I feel the happiest, calmest and the most like me in the forest.

The following poem I wrote after an amazing day in takayna.

Dewdrops falling from the branches of the tree that tower high.
Moss creeping up the trunk.
Fungi like confetti, adding colour where it can.
Spiders dance in the trees, weaving webs as they please.
Birds fluttering among the green crayfish digging burrows.
Why is humans' vision narrow, only seeing profit, income, MMG, STT, never
what is really there?
If only they just looked and cared.

Gracie goes on:

To all the families out there, I urge you to take your kids to the forests. Please join in on a citizen science project soon, maybe the Takayna BioBlitz, or for one of our endangered birds. My personal favourite is looking for Tasmanian masked owls. They are fascinating. When we go looking for them, we put out recorders to capture their calls. We look for hollow or broken-topped trees where the owls might be roosting. We also look for pellets, which is when the owls regurgitate the fur and bones from their prey. As they do not make a sound when they fly, we have to listen out for their screeches, and if we hear them, we use a spotlight to try to see them.

She writes a short section here:

The day's masked owls flourish and fly free
land in the branches of the old growth trees
and though we may not hear them as they are stealthy as a thief,
I hope they do fly over and make their ghastly screech.

Gracie concludes with this:

Tasmanian masked owls are endangered and need our help. It is up to us to defend their habitat, and of course all the other animals that call the forest home. You don't have to go on direct actions to make a stand. I mean, it's not like I can, but I know I can still help defending our amazing forests by helping collect important data. I hope to see you in the forest soon. Now, on the count of three, repeat after me: native forests for the future; one, two, three, native forests for the future.

I just want to thank Gracie and her mum, Eleanor, for giving me the great honour of reading to my honourable colleagues Gracie's beautiful ode to our extraordinary wild forests and the rich variety of life they sustain.

The Council adjourned at 6.27 p.m.