PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 27 October 2022

REVISED EDITION

Contents

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

QUESTIONS

Launceston General Hospital - Increased Demand for Emergency Services

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.02 a.m.]

Last night the Launceston General Hospital once again had to send a message to the community asking them not to attend the emergency department unless they had a life-threatening condition. The LGH has the worst bed-block in the county. The ED last month recorded its worst-ever performance. Staff are striking due to impossible working conditions and now the hospital is once again asking people to stay away because it simply cannot cope. The major redevelopment you promised for the LGH at the last election is still a decade away, while all your Government's efforts go into building a $750 million stadium in Hobart. Premier, how have you got your priorities so wrong?

ANSWER

Mr Speaker, I thank the member for her question. We look forward to continuing our $580 million investment into the Launceston General Hospital redevelopment. I am not sure why you are shaking your head, Ms Finlay. I thought you would be supportive of the redevelopment. We have committed to it and we will deliver it.

I am loath to give another history lesson on Labor's performance when it comes to the Launceston General Hospital. If my memory serves me correctly -

Members interjecting.

Mr SPEAKER - The House will come to order. The Premier has the call.

Mr ROCKLIFF - ward 4D was closed under the Labor-Greens government. That is the extent of how you managed the LGH when you were in government.

Ms O'Byrne interjecting.

Mr SPEAKER - Order, member for Bass.

Mr ROCKLIFF - They closed the wards - beds were in storage. I remember it very clearly. Tasmanians have not forgotten it, particularly northern Tasmanians, who value the Launceston General Hospital.

I am aware that the Department of Health released advice yesterday that the Launceston General Hospital is currently experiencing significantly high levels of demand for emergency department services. I am advised that a number of factors are contributing to this. The LGH

has been experiencing a higher acute emergency surgical load, with complex cases and longer stays; and a higher number of respiratory presentations for RSV, with an RSV outbreak currently being managed. Managing RSV within the hospital has contributed to a reduction in the number of available beds in recent weeks. The John L Grove rehabilitation ward has been declared an outbreak ward for COVID-19. As a result, the ward has been closed to new admissions in line with the COVID-19 management protocols.

Due to this increase in demand, the department is advising the northern community that if a person has a non-life threatening condition that can be treated by a general practitioner, they are encouraged to reconsider attending the LGH emergency department during this surge period. While the hospital manages increased demand for emergency services, we ask the public for their patience and understanding if they experience longer wait times when presenting for lower acuity care.

Dr Woodruff - There were 12 ambulances ramped there. It is not managing demand.

Mr SPEAKER - Order.

Ms O'Byrne - They are not all lower acuity turning up at the ED.

Mr ROCKLIFF - People seeking medical assistance that is not urgent or life-threatening have a number of other alternatives to attending the emergency department. These include booking an appointment with the local GP including available after-hours services.

Dr Woodruff - What about the people in the ambulances yesterday afternoon?

Mr SPEAKER - Order.

Mr ROCKLIFF - I am providing information, thank you. Speak with your local pharmacist for minor ailments, or phone Health Direct on 1800 022 222.

Members interjecting.

Mr SPEAKER - Order. I am not going to put up with people continually interjecting on the Premier. When I ask for order, it is not just for the next five seconds. If people will not take notice of that, I will start ejecting people and the ejection period will get longer, until after the MPI or whenever. If you want to stay in for the MPI, please do not interject.

Mr ROCKLIFF - Thank you, Mr Speaker. I am providing information for the people of Tasmania.

Health Direct, on 1800 022 222, provides free, trusted health information and advice 24 hours a day, seven days a week. In an emergency, people should not hesitate to dial 000 or make their way to the nearest emergency department. I reassure the northern community that if you need emergency care, our emergency department will always prioritise delivering care for people with immediately life-threatening conditions. We are aware of the circumstances.

I am pleased to say that in 2021 we opened 28 new general medical beds on ward 3D, in addition to the four beds opened in the surgical short-stay unit, and 13 extra paediatric and adolescent beds in the paediatric ward. We have arrangements in place for 14 beds at Calvary

to support capacity at the LGH, and opened nine newly refurbished negative pressure rooms in August this year, returning bed capacity reduced temporarily during construction.

This is a challenge. It is usual for emergency departments to experience peaks of demand. That happens around the country and there is evidence of that. We do not schedule appointments to the ED because they are for emergencies and emergencies can occur at any time of the day or night. Demand is managed every single day in our hospitals. When those peaks are significant, it is also usual for hospital management to explain that to the public, and it is very important that that information is conveyed to the public.

Ms White - You can't really go on bypass, though, can you?

Mr ROCKLIFF - That also happened when you were in government and I can provide an example. In 2011, the LGH issued a media release about managing a spike in demand for emergency services. Mind you, that was after ward 4D was closed - and they do not like it.

Ms DOW - Point of order, Mr Speaker, standing order 45, relevance. The Premier has been on his feet now for a significant period of time and he has not gone near the crux of the question, which is about why this Government is not getting their priorities right. This is a serious matter. People are being turned away from the LGH emergency department, and he is deflecting on previous governments.

Mr SPEAKER - I remind the Premier of the point of order. If you could resume your seat - it is not a point of order to argue a case. I remind the Premier of standing order 45, relevance. However, from my understanding, he has been talking about the LGH and the ED. I indicate to the Premier that there has been significant time for this question so please wind up.

Mr ROCKLIFF - Thank you, Mr Speaker. It is an important question, and it is important that I inform the community and reinforce the fact that it is not unusual for emergency departments to experience peaks of demand. That happens not only at the LGH, but across the country.

I will refer to Ms O'Byrne's comment as Labor health minister:

> The team at the LGH has managed today's spike in demand, just as they have managed spikes in demand in the past, as they will in the future.

That was after ward 4D was closed. We have opened wards and provided new hospital beds at the Launceston General Hospital, and committed to the $580 million development. We are very proud of the master plan and the redevelopment of the Launceston General Hospital, which has been a thoroughly welcomed in the community.

I thank the team at the LGH Emergency Department and across the LGH for the work they are doing during this peak in demand. I assure the public that should there be an emergency, the emergency department is there for you for that purpose.

North West Regional Hospital - Linear Accelerators

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.11 a.m.]

It was revealed this morning that one of the two linear accelerators at the North West Regional Hospital will be shut down at the end of the week because of a lack of staff. This is critical life-saving cancer treatment equipment. As one doctor told the ABC:

> It is incredibly distressing at any point where our patients have to wait because we know there is a correlation when they get to have their treatment and outcomes. Tumours often do not stop growing without treatment.

As the federal Liberal member for Braddon said last month:

> Travelling to Launceston or Hobart for treatment is a significant barrier for many people and they should not be expected to do it.

While you obsess over a $750 million stadium in Hobart, patients in the north-west are missing out on essential cancer treatment. When will you get your priorities right and restore this vital cancer service?

ANSWER

Mr Speaker, I thank the member for her question. The Liberal oppostion pushed for the cancer service on the north-west coast. It took a long time for the Labor government to get on board. I have some time in this place and I have a long memory. I remember that very clearly. You started building the facility around 2014 but with no provision for staff. We fixed that.

In May this year, it was my pleasure to support the opening of the new linear accelerator in the North West Regional Hospital's Cancer Centre in Burnie. Linear accelerators are used to generate radiation treatments for patients with cancer to destroy cancer cells without damaging surrounding tissue. This critical equipment will improve access to life-saving cancer care in Tasmania.

Our Government committed some $8.1 million to operate and staff the linear accelerator facility as part of a $60 million stage 1 redevelopment of the North West Regional Hospital. The Tasmanian Health Service is recruiting for several radiation therapist positions at the North West Cancer Centre in Burnie.

As part of the arrangements under the Northern Cancer Service, radiation therapy services at the North West Cancer Centre are being supported by the W.P. Holman Clinic in Launceston. At present, radiation therapy staff at the Holman clinic are supporting the North West with their planning work to support patient treatment. For the coming weeks, one staff member will relocate to Burnie to support delivery of radiation treatment at the North West Cancer Centre.

The situation is being monitored daily. Most importantly, patient waiting times, which are within national best-practice guidelines, have not been impacted.

With the installation of the second linear accelerator, it was always intended that staffing would be increased over time to respond to the need for cancer treatment in the region. Having this equipment is improving access to life-saving treatments closer to home for cancer patients in the north west.

kooparoona niara - Aboriginal National Park

Ms O'CONNOR question PREMIER, Mr ROCKLIFF

[10.15 a.m.]

Your Government repeatedly claims land returns to Aboriginal Tasmanians are a priority. Your predecessor explicitly invited proposals for the land returns in his state of the state speech last year. In response to that invitation, in March last year the Aboriginal Land Council formally claimed ownership of the kooparoona niara-Great Western Tiers area and proposed a new tenure - an Aboriginal-owned national park inside the Tasmanian Wilderness World Heritage Area. This claim gives your Government the opportunity to deliver both land justice and meet the recommendations of UNESCO's 2015 mission for the reservation of world heritage-listed land in a status as national park.

Will you deliver on the invitation of your predecessor, honour the claim of the Aboriginal community, commit to create a new Aboriginal national park tenure and return kooparoona niara as lutruwita's first Aboriginal-owned and managed national park?

ANSWER

Mr Speaker, I thank the member for Franklin for the question. The Tasmanian Liberal Government recognises our Aboriginal people have a profound and ongoing connection to Tasmania's lands and waters. Returning more land to Tasmanian Aboriginal people is a priority for our Government and is a key aspect of our reset relationship policy agenda.

The review into the model for returning land, which aims to identify the barriers to returning land and explore options to improve the land return process, is an integral step in this process. Feedback from consultation undertaken to date has made it clear that the current process to return land does not work for all Tasmanian Aboriginal people. A new approach is necessary if land returns are to play a constructive part of our reconciliation journey with all Tasmanian Aboriginal people.

In May this year, we were pleased to release a consultation paper, a revised model for returning land to Tasmania's Aboriginal people, a consultation paper on proposals for change, which has taken that into account and outlines the Government's proposed approach to amend the act and return more land to Aboriginal people. Mr Jaensch is leading this reform.

Key amendments proposed in the consultation paper include:

- extending the scope and intent of the act to meet community expectations;

- enabling broader and more inclusive representation on the ALCT electoral roll;

- simplifying the process for land return by creating a new instrument of transfer for significant parcels of Crown land;

- expanding provisions for local or regional Aboriginal community organisations to play a role in land management;

- creating transparent processes and clear criteria for proposing and assessing land for return; and -

Ms O'Connor - Do you want to address the question?

Mr ROCKLIFF - Yes.

- clarifying the role of the Aboriginal Land Council Tasmania and requiring reporting of administrative and land management activity.

We welcome feedback on our proposals for change and we will be using it to inform our drafting of amending legislation. The intention is to introduce legislation to parliament as soon as possible to facilitate the return of more land to Tasmanian Aboriginal people.

The Government is also having conversations with Tasmanian Aboriginal communities on areas of land of interest to them, either for potential land return or joint land management arrangements, and is working to progress these options as a matter of priority after the review is finalised.

The 2021-22 Tasmanian Budget provided $970 000 over two years to support major Aboriginal policy reform initiatives, including drafting new Aboriginal heritage legislation and finalising the review into the model for returning land.

I acknowledge the proposals from Tasmanian Aboriginal organisations, including the Aboriginal Land Council of Tasmania, in regards to kooparoona niara Aboriginal National Park and the broader concept of Aboriginal reserve class. The minister has had conversations with these organisations on their proposals. There is a range of views as to what a national park might be and how it would be managed, and our Government is committed to ensuring all voices have the opportunity to be heard as we further explore these concepts.

It is important to note that the proclamations before parliament and the return of land to Tasmanian Aboriginal people are completely separate matters. The process of land return to Tasmanian Aboriginal people is achieved through a separate mechanism. The Future Potential Production Forest Land (FPPFL) within the TWWHA is currently unreserved public land subject to the Forestry (Rebuilding the Forest Industry) Act 2014, and in accordance with section 4(8) of that act the managing entity cannot sell, transfer, or convey this land to any other person. This is the point of law, not policy.

The current process for proclamations of the FPPFL in the TWWHA does not preclude any future land return or joint land management with the Tasmanian Aboriginal people, and would in fact be a necessary step to be undertaken before any such arrangements could be put in place. In order for other management arrangements for this land to apply, such as the return to Tasmanian Aboriginal people, this land must be reserved under the Nature Conservation Act 2002, which is what, of course, we seek to achieve.

We are committed to handing back land to Tasmanian Aboriginal people. It is a very important process of pathway, treaty and of course reconciliation. I absolutely guarantee that this is a clear priority for our minister and for myself, that will continue. We will not be deterred from achieving that objective.

Ambulance Tasmania - Innovative Service Model

Mr WOOD question to MINISTER FOR HEALTH, Mr ROCKLIFF

[10.22 a.m.]

The Government has been making a number of investments into our health system, including models of care aimed at addressing the increasing demand and relieving pressure on our emergency departments. Can you update the House on the innovative service models Ambulance Tasmania has implemented, and how these are having a positive impact for Tasmanians?

Opposition members interjecting.

Mr SPEAKER - Order. The Premier has the call. He should be heard in silence.

ANSWER

Mr Speaker, I appreciate the question from the Member for Bass. He is the member for Bass and a former alderman on the Launceston City Council.

I would like to make some brief comments on our local government elections, which were the first with compulsory voting. We introduced this reform, and I pay tribute to, in his absence, Nic Street, our Minister for Local Government, for leading this reform. We said that increasing voter participation was a key reason behind it to ensure better democratic outcomes, and we have delivered, of course. The electoral commissioner has advised that the final -

Ms O'BYRNE - Point of order, Mr Speaker. It does go to relevance. It was a question about health services. If he wants another Dorothy Dixer he has plenty to ask himself.

Mr SPEAKER - Thank you for that, but the Premier was just -

Mr ROCKLIFF - I take the opportunity to congratulate all those elected and re-elected to local government -

Opposition members interjecting.

Mr SPEAKER - On the point of order, I am not going to accept the point of order. If you could take your seat. We have wasted enough time. The Premier is about to get on to the question and I want to hear the answer.

Mr ROCKLIFF - On indulgence, Mr Speaker, I have every right to congratulate all those who stood for election. I thank them for their courage. I am pleased that we have 84.79 per cent voting return and it was 58 per cent last time.

Opposition members interjecting.

Mr WINTER - Point of order, Mr Speaker. The standing orders are very clear. Standing order 45, the answer must be at least relevant to the topic of the question. This is completely irrelevant. If you are ever going to uphold standing order 45, surely it must be now.

Opposition members interjecting.

Mr ROCKLIFF - I said on indulgence, Mr Speaker. I thank the 348 000 Tasmanians who participated in democracy and ensured that they made their vote count.

Ms White - You are so desperate not to talk about health.

Mr SPEAKER - Order.

Mr ROCKLIFF - Those over there are very jumpy when it comes to health. To the point of the question, those over there, know full well that they closed beds. We are opening them, we are investing and we are reforming, which is the point of Mr Wood's question. I thank him very much for his interest in our health system, the reforms that we are making and the investments we are putting into health.

Health continues to be a top priority for our Government. The 2022-23 state Budget includes record health funding of some $11.2 billion over four years, which has an average health spend of some $7.25 million every single day. Health, as a percentage of the Budget's total operating expenditure has now increased to more than one third, compared to some 27 per cent under Labor a decade ago. We can do this because of our strong economic management and responsible plan to strengthen Tasmania's future. With this Government's prioritised funding we are continuing to increase capacity within our health system and have also taken the opportunity to fund innovative services which provide the highest quality of care to Tasmanians while easing pressure on health staff at our busy hospitals and emergency departments.

Last year we implemented our secondary triage service within Ambulance Tasmania, which is helping to divert lower-acuity Triple Zero callers to more appropriate health services within the community. More than 10 000 triages have been completed since the service commenced in February last year, with 5952 of those occurring this year. Over all, 38 per cent of incidents have not required an ambulance response, freeing up emergency vehicles and crews, while also providing quality care to patients within the community.

Ambulance Tasmania has also recently entered into an agreement with the national emergency telemedicine provider, My Emergency Doctor, which has assisted in 73 cases since it was established on 1 September this year. This valuable specialist telehealth service has meant that 86 per cent of these patients were subsequently managed at home without needing an ambulance. We know that when people are treated in the community, if that is appropriate, they recover sooner.

Our Government has also deployed nine new community paramedics across all three regions of the state who have been attending emergency Triple Zero call-outs. Since commencing on 3 August this year, community paramedics have attended 567 incidents statewide, and 60 per cent of patients who were treated did not require a trip to hospital. Our

dedicated community paramedics provide a 16-hour coverage each day in Launceston, Hobart and Ulverstone, and are already providing more appropriate care options and pathways to patients who present with minor illness or injury. Tasmania is leading the way, being the first in Australia to pilot this model following the success seen in Canada, the United Kingdom and the United States, mainly in rural and remote and regional and urban areas.

Our Government continues to develop new measures to reduce demand on the health system and is committed to ensuring all Tasmanians receive the right care in the right place at the right time. I thank and congratulate all our paramedics and those within Ambulance Tasmania for working with government to develop these new models of care on top of the additional 270 full-time equivalents we have employed across Ambulance Tasmania since coming to government. We have had a 41 per cent increase in the number of people employed across Ambulance Tasmania. It includes 40 paramedics specifically for rural and regional Tasmania who are providing critical services across our state. I am looking forward to meeting the new paramedics today who will be located at Huonville and Sorell.

This is a further demonstration of our continued investment into reform, into our health system and, more specifically, into our paramedics and Ambulance Tasmania.

State Service Wage Negotiations - Proposed Industrial Action

Mr O'BYRNE question to PREMIER, Mr ROCKLIFF

[10.30 a.m.]

Over the last few years you have repeatedly stated that you value our public sector workers. You thank them for their commitment to their jobs and to the broader community. You praise them for their sacrifices and at times heroic work they have performed through pandemics, fires and floods. You regularly say you appreciate the work of cleaners, health professionals, educators and our firies alike. These are fine words.

Your Government has been in protracted negotiations over this year with these workers. On Tuesday those negotiations broke down, with public sector-wide industrial action planned for 9 November. Regrettably, this will result in significant disruption to services, the community and the broader economy. I know that workers reluctantly take this action but feel they are left with no choice. If your dogmatic approach does not change, this will not be the last time we see this action. You have a window of 12 days to avoid this massive disruption. The clock is ticking, Premier. What are you doing to do?

ANSWER

Mr Speaker, I thank the member for his question and for doing his research, which highlights how much I and our team value the hardworking public servants across all areas of government. We all acknowledge the very fine work across all departments when it comes to the disruption of the pandemic. That is truly when it was clearly demonstrated by our hardworking public service; they really stepped up, as they always do.

We are committed to working alongside our public service and negotiating with all unions in good faith to deliver wage increases for our workforce. In fact, these negotiations are continuing, Mr O'Byrne. We are also committed to responsible budget management,

delivering a fiscally sustainable budget, and we cannot agree to wage increases that our state cannot afford.

I do not want to be in the position that your government found itself in when you had to decrease the public service, when you found that you had to, effectively, sack nurses, close hospital wards, and put beds in storage. The member who asked the question, if my memory serves me correctly, was police minister when 108 of our police officers got the chop. I do not want to be in that position. That is why it is important in respect to responsible management -

Mr O'Byrne interjecting.

Mr SPEAKER - Order, member for Franklin.

Mr ROCKLIFF - I am advised that yesterday they were advised by the head of the State Service that there would be a further offer made by the end of this week, so I am disappointed that they have decided to strike en masse on 9 November. This is not working and negotiating in good faith, as we have been prepared to do. Strike action hurts Tasmanians who rely on our public services.

Mr O'Byrne - This lies at your feet.

Mr SPEAKER - Order, Mr O'Byrne.

Mr ROCKLIFF - The Government has put two offers to unions since 23 September. As I said, there will be another offer by the end of this week. I personally met with unions on 15 September when they were able to very clearly articulate the concerns of their members and issues that were raised in that forum, including cost-of-living pressures and the like. Unions have had regular meetings with the head of the State Service and their lead negotiations on positions associated with the wages offers. Our head lead negotiator in the State Service Management Office has been taken offline to concentrate on negotiating the whole-of-government agreements and other priority agreements that this person is leading.

We provided our frontline health workers with a COVID-19 allowance of some $2000, which I understand will be paid from next week, a retention bonus for their hard work. I urge our unions to halt their industrial strike which disrupts Tasmanians who rely on the public service. I have always commended and thanked the work of our public service, but given we are still in negotiations - another offer is being made at the end of this week - it is not necessary to go ahead with the strike. Rather, sit down, negotiate in good faith and take on the very goodwill that this Government has for our hardworking public service so we can reward them with a deserved, fair, affordable pay rise.

Proposed Stadium Development - Cost of Living

Dr BROAD question to PREMIER, Mr ROCKLIFF

[10.37 a.m.]

The cost of living is rising faster now than at any point since the 1980s. It is also rising faster in Tasmania than in any other state or territory in this country. That is because of the

decisions you and your Government have made. Yesterday, your Energy minister tried to claim power prices were going down.

Households know that is not true and data from the ABS yesterday proves it. The ABS showed electricity costs across the economy are up 30 per cent after you abandoned your Tasmania First energy policy and broke your promise to shield Tasmanians from mainland price rises. Utilities are up 19 per cent after you put water bills up by $450. The cost of housing is up 14 per cent after nearly a decade of inaction from your Government. While you obsess about building a $750 million stadium in Hobart, Tasmanians are left wondering: why is the Liberal Party so out of touch?

ANSWER

Mr Speaker, I thank the member for the question. Here we are, another sitting day and another Labor scare campaign. It was only yesterday that Mr Winter was claiming power prices for Tasmanians will go up 75 per cent over the next two years. He claimed that here, he claimed that in a media release and in social media, and did his absolute best to publicise that claim far and wide. You need to be accountable as well. Where are your facts on that increase?

Members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - What you have not done is call on the federal government to make good on their commitment to reduce electricity prices by $275. You have done nothing about that. This highlights that you are all politics. You do not actually care. You do not have the courage to stand up to your own federal colleagues to make sure they are accountable for their commitments not only to the Tasmanian people but all Australians who are feeling the pinch as a result of energy prices, fuel increases and cost-of-living pressures, of which this Government is acutely aware.

The quarterly Hobart CPI was estimated to have increased by 2.3 per cent in the September 2022 quarter. The largest contributors to that increase were in housing, food, furnishings, household equipment and services. All Tasmanians and all Australians are feeling this pressure. Interest rates are going up and I know that is very worrying for many, especially homeowners. We also know from household demand figures that spending on petrol, transport and groceries, are impacted by fuel - transport costs are one of the biggest outlays for people at this time. Those costs are hurting Tasmanians.

It is a shame that the federal Labor Government has abandoned Tasmanians by not agreeing to extend the fuel levy. They have further abandoned Tasmanians by reneging on their commitment to reducing power prices - a relief of some $257. We have a Labor Opposition that is happy to ask us questions. We are not afraid of that. We welcome the questions because cost of living is a key issue for all Tasmanians. For heaven's sake, have the guts to stand up to your federal colleagues. Then people might think you are genuine. Right now, they do not.

It is also disappointing that one of the biggest issues facing our health system, Medicare bulk billing rates and the sustainability of GPs and primary health care, was not addressed in the federal Budget. We have silence from Labor on that as well.

We will always support Tasmanians with cost-of-living pressures. Keeping our ear close to the ground in our communities, we understand, get feedback and respond. I have mentioned before our $17 million commitment to the winter bill buster payment and the investment we are making in organisations that support vulnerable Tasmanians, particularly those on low and fixed incomes who are doing it tough. I have mentioned those initiatives many times in this House as a demonstration that we will not be playing the political games that those opposite do -

Mr SPEAKER - If you could wind up please, Premier.

Mr ROCKLIFF - demonstrating their lack of genuine approach to the needs of Tasmanians. They come in here asking us questions but refuse to have the courage to stand up against broken promises of the federal Labor Government.

Petitions - Overdue Responses

Ms JOHNSTON question to PREMIER, Mr ROCKLIFF

[11.02 a.m.]

On 29 September this year, I asked you about your Government's failure to table responses to petitions. You said you would look into it. Since then, the situation has only become worse, with three more petitions now overdue for responses. We now have 11 petitions overdue, with some dating back to March last year.

The Tasmanian people have petitioned your Government about a number of matters they care deeply about, including housing as a human right, the impact of COVID-19, understaffing in the health system, the lack of ambulance resources, eagle protection, sporting facilities and the northern prison, to name a few.

Fundamental to our system of government, citizens have the right to petition and the right to expect their government to respond. Why are your ministers still not responding to the voices of the people? Can the thousands of Tasmanians who are waiting on long overdue responses expect them to be tabled before Christmas or will your Government continue to ignore them? We have two sitting weeks left.

ANSWER

Mr Speaker, I thank the member for her question and interest in this matter. I understand the voice of Tasmanians needs to be heard through various forums. A petition is a very important part of that parliamentary democratic process.

Our Government is committed to providing a transparent framework for the efficient and timely response to petitions, as is deserved by the Tasmanian people. This is particularly so for those who create the petition, their advocacy and the many thousands of Tasmanians every year who have signed those petitions to ensure their voice is heard.

When the delay in responses was brought to our attention, we asked for rectification of the matter, as you have highlighted in your question. We agree that petition responses need to be provided in a timely manner. The Department of Premier and Cabinet is currently working

to reform processes relating to e-petitions. This will ensure that we better meet the parliament's and community's expectations. Ms Johnston, I do apologise for the delay. We expect to be able to table any outstanding responses to petitions at the earliest convenience.

UTAS - Relocation and Course Quality

Ms O'CONNOR question to PREMIER, Mr ROCKLIFF

[10.45 a.m.]

While the vote is not finalised, it looks increasingly likely that the people of Hobart have rejected the UTAS takeover of the city. There is also growing alarm amongst students and staff about the university's move to cut courses, gut the Law faculty, move its lectures online, taking the heart out of campus life, and not negotiate in good faith with the union representing staff. Are you, as Premier, also concerned about the direction UTAS is heading in? Do you agree that while UTAS management has been focused on a divisive, unpopular city move, there is a question mark over the quality of higher education being delivered at our only university? What will you do to help UTAS refocus on delivering high-quality higher education and restore public confidence?

ANSWER

Mr Speaker, I thank the member for her question. It is important that Tasmanians have their say. I am very proud of the reform we have introduced. I commend Mr Street for leading that reform on compulsory voting, which has seen above 84 per cent of people on average, across Tasmania, participating in that process. It was 58 per cent last time. We said, when introducing the reform, that we wanted to increase the participation of Tasmanians in local government democracy. I congratulate the 348 000 Tasmanians who have had their say and made their voice heard through that process. I thank the Tasmanian Electoral Commission for the work they have done as well.

It is great that we have had a very active, engaged community for the first time in many years when it comes to our local government elections. It has encouraged more candidates to come out and have the courage to want to represent their local communities. I commend every single one of them - those who have been elected or re-elected and those who have had the courage to stand to ensure they were bringing their voice and the community's voice to the public arena. That is a reform I am very proud of. I commend, in his absence, Mr Street for leading that reform.

To the question: the decision to relocate the southern UTAS campus and how that may align with the university's educational priorities is a matter for the University of Tasmania as a private organisation. We support and encourage UTAS to continue to engage in a comprehensive and thorough consultation process. We encourage all those interested to participate in the consultation process through the established processes already in place under the planning system.

Since UTAS first announced its intentions in 2019, the Tasmanian Government has maintained visibility of its plans and progress through the Hobart City Deal, given the focus of city-shaping actions like transport, housing and precinct planning.

There is also now an inquiry into the provisions of the UTAS Act through the Legislative Council which can consider a wide range of UTAS activity. The Government will consider the outcomes from the inquiry in due course.

Education - Infrastructure Investment

Mr TUCKER question to MINISTER FOR EDUCATION, CHILDREN AND YOUTH, Mr JAENSCH

[10.49 a.m.]

Can you update the House on how this Government is securing the future of Tasmania by investing in education infrastructure?

ANSWER

Mr Speaker, I thank my colleague, Mr Tucker, member for Lyons, for his question. Regardless of their background or circumstance, every young person in Tasmania deserves a quality education. Our teachers and staff in schools and the department work hard to provide this for every student and our Government has provided record investment to support schools and teachers to do this.

Since coming to government in 2014 we have prioritised investment in education from the early years through to year 12, because education is the single most powerful driver for improving economic and social outcomes in Tasmania, including health, life expectancy, happiness and productivity.

We are strengthening Tasmania's future with record funding for education, skills and training in the 2022-23 state Budget with $8.5 billion over the forward Estimates. We know that the physical environment in which learning occurs has a major impact on student access, engagement and participation in learning. The Tasmanian Government's current allocation for capital works totals $250 million over the forward Estimates, including $69.7 million in 2022-23.

Our current capital works program includes:

- exciting new builds in Legana and Brighton and for the North West Support School;
- major redevelopments at schools such as Penguin District School, Sorell School, Hobart City High School, Cambridge Primary School, Exeter High School, Lauderdale Primary School, Montello Primary School and Cosgrove High School;
- the construction of six new child and family learning centres at East Tamar, Waratah-Wynyard, Glenorchy, Kingborough, Sorell and West Ulverstone;
- supporting the development of facilities for agriculture in schools at Bothwell District School and Campbell Town District School;

- renewing and upgrading outdated classrooms to develop contemporary learning spaces in schools across the state;

- delivering the renewable energy schools program that will roll out solar panels on over 100 government schools;

- upgrading toilets at 42 high schools and district schools, improving the safety and quality of student bathrooms; and

- upgrades to other school assets and facilities, including outdoor learning areas and play spaces such as ovals at Mount Nelson and Woodbridge schools.

Last week we released the construction tender for the state's single biggest public education infrastructure project, the new $50 million Brighton high school. Release of the tender and development applications are major milestones for this, the state's single biggest public education infrastructure project in a decade. The new high school is part of our Government's commitment to supporting the Brighton community, which is projected to be one of the fastest-growing regions in the state over the next 20 years.

Extensive community and stakeholder consultation have helped shaped the development of the new high school which will accommodate up to 600 students and include a multipurpose hall, performing arts space and gymnasium. The school's design was developed by JAWS Architects and K2LD Architects in partnership with the Department of Education, Children and Young People and the Brighton Council. The primary feeder school arrangements for this new high school are being finalised following feedback with key stakeholders and these arrangements will be announced soon.

More broadly, these projects are part of a strategic investment in the state's infrastructure that continues to drive economic growth and create jobs, from planning to construction, including in regional areas of Tasmania. Despite what the Opposition says, this is the time to be investing in infrastructure and our children' education and that is what this Liberal Government is doing.

Power Bills

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.54 a.m.]

The massive power price rises Tasmanians are facing are the direct result of your decision to abandon your Tasmania First energy policy and break your promise to delink from the National Electricity Market. It is not just Labor saying so. Last night energy expert, Marc White, told ABC radio that eight of Tasmania's 40 dams are so full they are spilling and said, 'This is not a local problem. This is the issue of importing price volatility from the mainland's problems'.

Do you accept your broken promise to delink from the National Electricity Market has directly caused the massive price rises Tasmanians are now facing? Why should Tasmanians not pay Tasmanian prices for Tasmanian power?

ANSWER

Mr Speaker, I thank the member for Franklin for his question. There was no mention of the $275 broken promise, no mention of a percentage. You are not backing up your 75 per cent. You dropped your 75 per cent increase in that question as well, so you are going back to the drawing board there. You will be asked to justify that figure and where you got the figures from. I will leave that up to you, because you have a record of falsities, frankly, when it comes to this place.

Opposition members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - A record of falsities with false claims, trying to scare Tasmanians. Tasmanians are waking up to you. They are not really sure at all about your utterances, and definitely would be disappointed that you do not have the courage to stand up to your federal Labor Government and ensure they come good on their commitments.

There are a few things we need to put on the record. First, when the Labor Party was last in government, power prices went up 65 per cent. Not only did people have to contend with that massive cost-of-living pressure, but 10 000 of those people that Labor and the Greens sent to the dole queues, on fixed incomes, had that double-whammy and Tasmanians have not forgotten that.

Since coming to government in 2014, electricity prices for Tasmanian residential customers have increased by some 5.8 per cent in nominal terms and have actually decreased by 15.4 per cent in real terms. For small business customers, electricity prices have decreased by 5.8 per cent in nominal terms and decreased by 25 per cent in real terms since we came to government. Our regulated electricity prices have recently been confirmed by the Economic Regulator as being the lowest or amongst the lowest in the nation.

These are the facts. I know they do not like it but I am going to remind them of the 65 per cent increase in electricity prices. What Tasmanians are seeing is a very stark contrast between our Government that supports Tasmanians with cost-of-living measures, including combating increasing energy prices, and the horror show of the Labor-Greens government between 2010 and 2014. Not only did they send people off to the dole queues on low and fixed incomes, but power prices increased by 65 per cent.

Power Bills

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.57 a.m.]

As part of the federal Budget's predictions that power prices will go up significantly, on top of the 12 per cent rise already experienced by Tasmanians this year, making it a 75 per cent increase in power prices over just two years, energy expert Marc White yesterday told ABC radio that he expects power prices to go up in the next determination on 1 July by between 20 per cent and 25 per cent for just that year.

In line with those increases, Labor has warned that Tasmanians are going to face tough times over the next two years. Such an increase would cost the average household around $500 at a time when the cost-of-living crisis is rising faster than at any point since the 1980s. Do you think Tasmanian households can afford a $500 increase in power bills next year? If you do not, will you finally back Labor's plan, which is supported by thousands of Tasmanians, energy analysts, and the Tasmanian Small Business Council, to finally cap power prices?

Members interjecting.

Mr SPEAKER - Order. If there are any conversations to be had across the Chamber, they can be had outside. The Premier has the call.

ANSWER

Mr Speaker, the first thing I will say when it comes to an increase in energy prices is all the more need for you to stand up to your federal Labor colleagues when it comes to ensuring they come good on their commitments.

What we are setting in train for the future with our collaborative investment in partnership with the federal government regarding the Marinus Link, is energy security, attracting investment into Tasmania and downward pressure on energy prices. We will always work with Tasmanians and ensure that as a government we support Tasmanians when it comes to alleviating energy price increases and power bills. We have demonstrated that over the last number of years. We will always be in Tasmanians' corner when it comes to alleviating the increase in energy prices. We have done that before this year. We have done it again this year, with our winter bill buster payment of some $180, and we will continue to monitor the effects of price increases.

What will make a difference is the Labor Government in Canberra coming good on their commitment, and their promise. We will keep them accountable to that commitment and you should step up and do the same.

Flood Event - Support for Small Business

Ms ALEXANDER question to MINISTER for SMALL BUSINESS, Ms OGILVIE

[11.01 a.m.]

Can you update the House on the efforts of the Liberal State Government to support those businesses that have been affected by the recent flood events?

ANSWER

Mr Speaker, I thank the member for her question. I know she cares deeply about people and our constituents and everyone who has been affected by this issue. The recent severe weather event resulted in significant flooding across the north and north-west of Tasmania. It is a matter that I know is dear to everybody's heart in this place. Everyone in this Chamber has been watching with great concern and acting, where they can, to help.

I will highlight the very good work of Business Tasmania, which is moving at speed to assist people and businesses that need additional help. They have a single point of contact and when you call the number you will get a person. This creates comfort for those who want to deal with humans in a very human situation. I thank them for that work.

I also recognise the very good work of our emergency services personnel who did an outstanding job under very difficult circumstances. I was able to visit the State Operations Centre and saw its full operations and effectiveness during the floods. That has been a magnificent investment. I have also spoken to many people who have been affected by the floods. I assure all sides of the Chamber that our Government continues to do all we can to get our communities through this challenging period. It is a very difficult time for many Tasmanian businesses. My thoughts have been with everyone whose business may have been disrupted and, as I have said, help is here, help is available.

Mr Speaker, on 22 October, the Premier and the Prime Minister jointly announced assistance for Tasmanian small businesses and primary producers. Grants of up to $25 000 will be available to provide support with clean-up and restoration activities. The grant includes an up-front payment of $2500 to provide immediate cashflow relief. As we know, cashflow is essential to small business operations to keep them going. Assistance will be available for eligible small businesses and primary producers in the 17 local government areas hardest hit by the severe weather.

The Government understands that a strong economy enables strong investments in the areas that matter to Tasmanians: health, education, housing, and taking action on cost-of-living pressure. We also understand that small businesses are the lifeblood of our economy, and we know that when times are tough we need to step up the support. Not only are we working closely with the Commonwealth Government but as a State Government we also have immediate assistance available to businesses affected by the recent floods. Businesses can apply to receive financial and business advice through round two of our Tasmanian Small Business Advice and Financial Guidance Program, which provides grants of between $750 and $1500 to eligible small businesses and they are available right now. Grant funds can be used to obtain services such as financial and business advice and support, and counselling from a suitably qualified specialist or consultant including professional business advice and guidance related to the floods, such as assistance with insurance claims and associated activities. We have thought it through and the help is available.

The second round of funding continues the support provided in the first round of this program, which resulted in 423 businesses receiving more than $600 000 in funding. We have shown that when faced with challenges or difficult circumstances our government will intervene, and since the start of the pandemic our small businesses have received more than $165 million in COVID-19-specific support programs.

My message today is, if you have been affected, if you are in trouble, if you are in strife, if you need help, please, pick up the phone. We are here to help.

Power Bills - Support for Businesses

Ms FINLAY question to PREMIER, Mr ROCKLIFF

[11.06 a.m.]

Your minister for Energy has constantly said power prices will not increase until July next year. That is simply not true for the 4000 businesses on market contracts, as both energy expert Marc White and Tasmanian Small Business Council chief executive officer Robert Mallett told ABC radio last night. These businesses are facing a 50 per cent increase in power prices right now. Marc White said, 'When prices go to these levels, the downside risk is businesses facing severe conditions.' What are you going to do to support these businesses and the thousands of people they employ who face such severe conditions right now?

ANSWER

Mr Speaker, I thank the member for the question. Our Government has consistently delivered amongst the lowest electricity prices in the nation, as I have said many times. This was reaffirmed earlier this month in the independent Tasmanian Economic Regulator report *Comparison of Electricity and Gas Prices Available to Small Customers in Australia*.

We have a new investment on the way in terms of providing energy security in terms of putting downward pressure on electricity prices. That partnership, with our federal Government, is Marinus Link. When it comes to supporting Tasmanians with energy price increases we have demonstrated where we have done that in terms of supporting people on low and fixed incomes and I have also highlighted some facts when it comes to the power prices, and those for small business since 2014.

I have constantly said, and I will continue to say, we are a government - unlike your government when you were in power between 2010 and 2014 where we saw 65 per cent increase in power prices -

Ms Finlay - These businesses on market contracts are having a 50 per cent increase right now.

Mr SPEAKER - Order.

Mr ROCKLIFF - We will always support Tasmanians who are challenged by energy prices, Mr Speaker, energy commitments, and we are continuing to deliver on our key cost-of-living election commitments to achieve the lowest regulated electricity prices in the country. I have mentioned the independent Tasmanian Economic Regulator, and the comparison report that has been released. The report confirms that Tasmania has the lowest - or among the lowest - regulated electricity prices in Australia.

The annual electricity charge under Aurora's energy regulated time-of-use tariff is the lowest compared to the equivalent regulated tariffs in all jurisdictions. The annual charges under Aurora's regulated general use and heating tariffs are among the lowest of equivalent regulated tariffs in all mainland jurisdictions. For average business customers, Aurora's energy regulated tariff is the lowest compared to the charges under regulated tariffs in all mainland jurisdictions.

Opposition members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - Mr Speaker, we have announced Brighte as the finance partner for our Energy Saver Loan Scheme, which opened on 17 October.

Ms Finlay - Do you have an answer for the 4000 businesses on market contracts?

Mr ROCKLIFF - I know what you will do. You will do your best to scare Tasmanians and drive down business confidence. That is what you are about. We know what you are about, Ms Finlay. We know what the Labor Party is about, and that is damaging business confidence in Tasmania.

Ms WHITE - Point of order, Mr Speaker, under standing order 45, relevance. I ask you to draw the Premier's attention to the question, which is about 4000 contracted small business customers. He is not talking about that and I ask you to please direct him to answer it. It is very important.

Mr SPEAKER - All I can do is remind the Premier of relevance to the question asked. I also need to remind the Premier that there has been sufficient time and he needs to start winding up, please.

Mr ROCKLIFF - In winding up, Mr Speaker, we will not be part of a scaremongering campaign by the Labor Party intent on scaring Tasmanians, scaremongering activity which drives down business confidence in Tasmania. That is your modus operandi. It is very clear to see because you come in here day in, day out and talk the place down. You talk Tasmania down and you are always trying to damage business confidence in this state. We will have none of that. We will always support our small businesses and all Tasmanians, as we have demonstrated time and time again, particularly when it comes to the challenges of increased energy prices and cost-of-living pressures.

Studentworks - Closure

Ms O'BYRNE question to MINISTER for EDUCATION, CHILDREN and YOUTH, Mr JAENSCH

[11.12 a.m.]

After being caught out trying to sneakily close Studentworks in Launceston earlier this year, you refused to answer my question last sitting week about whether trades-qualified staff would have to reapply for their own jobs at lower rates and conditions. Can you now confirm that the trades-qualified staff have been advised that there are in fact no jobs for them in your new T4 model, although they were told they were welcome to remain as volunteers?

Can you confirm that while the name 'Studentworks' will remain, in reality that is all that it will retain, as it becomes an offsite teaching location when required and not the industry-focused facility that created pathways for students who do not thrive in the traditional educational model? Why did you not seek to work in partnership with industry groups to save

Studentworks, to reinvest in Studentworks, and provide meaningful learning and career pathways for students who desperately need it, rather than all but shutting it down?

ANSWER

Mr Speaker, I thank the member for her question. As we know, Studentworks has provided a service for students over a number of years and the Department for Education, Children, and Young People has remained committed to working in collaboration with the Studentworks board to consider how its programs will operate beyond 2022. There has always been a strong commitment from the Studentworks board and the department to determine a way forward that offers quality educational provision that complements the range of inclusive vocational education provisions that are offered in schools.

In August 2022, the Studentworks board met me regarding Studentworks' future. It was agreed by all parties then that the future direction must have a strong focus on high-quality teaching and learning and relevant authentic outcomes for all students accessing the program.

An agreement has been reached for Studentworks to become an extension of the existing T4 at Launceston program. All Studentworks board members agreed to that transferring into an existing Department for Education, Children, and Young People structure that would ensure the best outcomes for students as well as expand the capacity of this important service in the Launceston area.

Work has already begun on the transition with a working group developing a new program model, and the aim is to transition the current Studentworks model to an annexe of the existing T4 at Launceston program by the start of school year 2023. I am not involved in the detailed nitty-gritty of that program development work. I will be briefed on it and kept informed of it as it evolves.

The most important thing that has driven me, my department and the Studentworks board has been the kids: young people who have been identified, now and over past decades, who have not performed well, not engaged well and have become disengaged with the school environment. We owe it to these kids to ensure we find them a way to get fundamental learning and education, something that they can take with them at the end of their education.

Ms O'Byrne - Why did you cut their funding then, change their model and are now closing them? You are dishonest. The department has been trying to kill it for years. Shame on you.

Mr SPEAKER - Member for Bass, order.

Mr JAENSCH - We no longer just identify that there are some kids who are not cut out for school and that they should be in a workshop doing something manual to see out their time.

Ms O'Byrne - It had a 100 per cent success rate.

Mr SPEAKER - Order, member for Bass.

Mr JAENSCH - Instead, we need to ensure we are doing everything we can to ensure that those young people leave with the best education we can get them.

Ms O'Byrne - They were, until you undermined it.

Mr SPEAKER - Order, member for Bass; you will be asked to leave if you do not stop interjecting.

Mr JAENSCH - We can support them with their literacy and certainly with their employability, but also by working with them on adjustments to address any disability they have and any other barriers they have to participating in the classroom in a separate environment. That is what T4 is about. It is not on a school site but is very much an extension of school, ensuring that these young people get the very best they can.

Ms O'Byrne - You and the other members for Bass should hang your heads in shame.

Mr JAENSCH - I have been very grateful for the engagement with the Studentworks board. I know that there are a number of business and industry organisations who are keen to assist and partner and who have taken an interest in the future of these young people, and we remain ready to work and partner with them.

Our immediate first priority has been to ensure that we are offering these young people an opportunity to stay engaged or re-engage with education, which they will only get one chance at, and we need to make sure that they are getting it here.

Members interjecting.

Mr SPEAKER - Order.

Arts - Government Investment

Mr YOUNG question to MINISTER for the ARTS, Ms ARCHER

[11.18 a.m.]

Can the Attorney-General and Minister for the Arts please update the House on how the Tasmanian Liberal Government is investing in the arts and why this is important for our community and the local economy?

Ms Butler - Why did he refer to her as Attorney-General and Minister for the Arts. Shouldn't it be just Minister for the Arts? Interesting.

ANSWER

Mr Speaker, it appears that Ms Butler has something to say over there.

Ms Butler - I do not understand why he said Attorney-General. It should just be Minister for the Arts.

Mr SPEAKER - Order.

Ms ARCHER - Because that is my title, Ms Butler.

Member Suspended

Member for Lyons -Ms Butler

Ms Butler interjecting.

Mr SPEAKER - Order, order. The member can leave until the end of the MPI.

Ms ARCHER - I will let that one pass.

Mr Speaker, I thank the member for Franklin, who I am sure has worn his very artistic tie for that question today - very bright and colorful.

Our Government is clear to be supporting our local creative community.

Mr SPEAKER - Attorney-General, if you can just hold your response until the member leaves.

Ms Butler withdrew.

Ms ARCHER - We also know how important the arts are to our health and wellbeing, particularly our local community. As Minister for the Arts - and also the Attorney-General, for Ms Butler's information, which is why I get called that - I am focused on delivering exciting and supportive programs to drive awareness and growth in our high-quality local arts industry.

Just recently I announced six projects that will share in a total of $105 000 through Screen Tasmania's latest round of project development funding. This funding is really important for getting projects off the ground. They shine a spotlight also on northern Tasmania in particular this year, which includes an animation from Mighty Nice, which recently opened a studio in Launceston and have received development support for *The Grot*, a series aimed at primary school-aged children; a coming of age-drama, *School Camp*, set in the Tasmanian wilderness; a new original drama series called *Party Games*, set on Tasmania's north-west coast; and also a comedy series called *Arch Angela* from Tasmanian actress Katie Robertson.

Our arts investments are having direct outcomes that are increasing opportunities. I recently dropped in to the film set of the new flagship ABC drama *Bay of Fires*, starring the incredible Marta Dusseldorp. It has been filming in locations across the west coast, right down to Collinsvale. This production has been supported by our Government with $1.5 million funding, through Screen Tasmania again. Not only is this production going to be an incredible showcase for Tasmania, it has delivered more than 85 job opportunities for Tasmanian cast and crew, and has driven an estimated spend of $7.5 million on Tasmanian goods and services.

Our ongoing commitment to Tasmanian screen production has enabled our growing local industry to build capacity, resulting in the strongest level of back-to-back production activity in the state's history. This increasing interest in filming in Tasmania is creating real jobs, supporting work for our local sector and delivering benefits for regional economies.

Our most recent investment follows on from our commitment, also at the last election, that our Government would provide an additional $1.2 million annually in support to Tasmanian arts organisations, after many years of cuts and under-investment in the arts by Labor. This was an unprecedented commitment to boosting this program, representing a 50 per cent increase in available funding and supporting more of our vibrant artists and arts organisations to engage and inspire audiences.

Our Government is also providing $3.7 million in funding to 27 Tasmanian organisations that will deliver arts and targeted youth arts activities throughout 2023. This $3.7 million investment includes more than $2.4 million to support the activities of arts organisations throughout 2023 across the state; in excess of $260 000 in targeted support for youth arts organisations; and almost $1.1 million to service multi-year funding agreements through to the end of next year.

Supported organisations include Big hArt, Sawtooth ARI, *Island* Magazine, Van Diemen's Band, Music Tasmania, Mature Artists Dance Experience - known as MADE, Contemporary Art Tasmania, Rook Productions, Mudlark Theatre, Theatre North, East Coast Arts, Events Tasmania and Archipelago Productions, to name a few.

Funded activities will provide invaluable paid employment and professional development opportunities for over 900 Tasmanian artists and arts workers, enhance the wellbeing and connectedness of our local communities through storytelling and connection to identity and place, and create works that challenge and inspire audiences across our unique island state.

This funding is in addition to a further $420 000 I announced in September to support 26 new activities across the state, providing support for over 90 Tasmanian artists through Arts Tasmania's programs for individuals and groups, Aboriginal arts and Tasmanian residencies. These important investments in our arts and cultural sector have been possible as a result of our Government's strong economic management. We continue in our commitment to arts in Tasmania.

I also thank well-respected members of the Tasmanian arts sector, like Mr John X Xintavelonis, for the strong endorsement our Government has received in relation to the planned stadium at Macquarie Point. John X said:

> The stadium will not only host -

Ms O'CONNOR - Point of order, Mr Speaker, standing order 48. The Minister for the Arts has been on her feet for five-and-a-half minutes self-promoting and promoting things that could have been said in a press release, and now running into another argument on the stadium.

Mr SPEAKER - That is a standing order that allows me to sit the minister down if I feel the need to. I do not need to be reminded about the standing order. I ask the minister to conclude her answer.

Ms ARCHER - Thank you, Mr Speaker. I will wind up with this quote, Ms O'Connor:

> The stadium will not only host elite sporting events but will become a major arts and entertainment precinct, allowing the state to host major international

> acts often left to the rest of Australia. Not only will sport come to this precinct but you will also get concerts, acts and big shows that tour in arenas that we normally have to jump on a plane and pay accommodation somewhere else to go see. The arts and entertainment industry has been crying out for this sort of thing.

As Minister for the Arts, I continue to consult and listen to our creative and cultural industries. I work closely with the sector, alongside Arts Tasmania, to ensure all our programs are effective and fit for purpose, and provide the best opportunities for the Tasmanian arts sector to remain strong and diverse now and into the future.

Ms O'Connor - Six-and-a-half minutes. You could have done this on the adjournment.

Ms ARCHER - I do not get to do arts very often.

Ms O'Connor - Do it on the adjournment.

Mr SPEAKER - Order in the Chamber.

Time expired.

RESPONSES TO PETITIONS

Under-Resourcing of Ambulance Tasmania

Mr Rockliff tabled the response to the petition presented by Ms Johnston on 10 March 2022:

- Petition No. 3 - See Appendix 1 on page 96.

Health Workers - Recruitment and Retention

Mr Rockliff tabled the response to the petition presented by Dr Woodruff on 2 June 2022:

- Petition No. 9 - See Appendix 2 on page 98.

Community Opposition to Private Developments in National Parks

Mr Barnett tabled the response to the petition present by Ms O'Connor on 17 August 2022:

- Petition No. 13 - See Appendix 3 on page 101.

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

First Reading

Bill presented by Mr Rockliff and read the first time.

MOTION

Order of Business - Tuesday 8 November 2022

[11.31 a.m.]

Mr ROCKLIFF (Braddon - Premier) (by leave) - Mr Speaker, I move -

> That in respect of the proceedings of the House on Tuesday 8 November next so much of the Standing Orders be suspended as would prevent:
>
> (1) the question before the House at noon from standing adjourned until 2.30 p.m.;
>
> (2) a motion of apology to victims/survivors of child sexual abuse in institutional settings from then being moved by the Premier forthwith;
>
> (3) the mover, Leader of the Opposition and Leader of the Greens, not exceeding 10 minutes each in speaking to such motion, and the Independent members for Clark and Franklin not exceeding five minutes each in speaking to such motion, and;
>
> (4) the sitting of the House from being suspended until 2.30 p.m. immediately following the resolution of such motion.

[11.32 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, we support the motion moved by the Premier but express our disappointment that we find ourselves in a situation where the Government did not properly or widely enough consult before the first motion was moved and subsequently we have had to change the date of the apology. I know this has caused quite a lot of distress to people. For that, I would like to apologise because it is unnecessary that we have added to their distress, given how much pain many people are already in.

I appreciate the contact from the Premier's office in identifying an alternative date, and have again placed our faith in them that they have done the appropriate consultation with victims/survivors about the appropriateness of the date that has been decided upon, particularly for people who manage travel, but also in regard to any other sensitivities associated with the date that has been settled on.

I note that there are a number of other events scheduled to occur on that day and I have noticed some of the advertising by the Government in newspapers publicising those matters, and again express our hope that both the events of the day and the events leading up to that day are conducted in a trauma-informed way because it appears it was lacking in the first instance.

I also understand the Government has provided advice to me, the Leader of the Greens and Independent members in this House about support that is available for us in drafting our apology speeches to ensure that they are trauma-informed. We will be seeking some further advice about that support because it is important that we get this right and, most importantly of all, that we offer not just an apology but the Government takes action to remedy the wrongs of the past and to make sure we have child-safe organisations.

Without seeing recommendations from the commission of inquiry perhaps this apology is a little premature because we are apologising based on the evidence that has been heard, and not necessarily the recommendations that have been made and the findings from the commission of inquiry. Nonetheless, we are willing participants because we understand the necessity to apologise.

It would have been helpful had the Government provided some more information to us in the lead-up to deciding on a date for the apology about why the timing is now, as opposed to when the commission of inquiry finalised work and that would give the Government something to point to with respect to what it is going to do to fix the problems that have been identified and have caused pain for so many victims/survivors in our community.

Having said that, we support the motion and the apology, and the intent of the apology. Again, we hope the Government has done the requisite consultation this time. It was embarrassing for them and distressing for victims/survivors when they got it wrong last time.

[11.35 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, we support the motion and are looking forward to the apology being respectful and sincere, in the hope that it will provide a measure of comfort to victims/survivors.

I do not disagree with much of what Ms White said but I do not feel the need to belabour them on this motion. I disagree that it is premature to apologise. It is always a good time to say sorry if you know there has been an egregious wrong that has impacted on the lives of many people. The test of the Government will be how it responds to the recommendations of the commission of inquiry with action, acknowledging that the commission of inquiry is looking back at how successive governments of all colours have failed children and young people. I believe it would be wrong and a mistake just to point at the current Government when we are talking about the suffering of victims/survivors. At some level, we all need to take responsibility for these wrongs.

We will be looking forward to the debate on 8 November and to spending some time afterwards with the people for whom this apology will be sincerely given.

Motion agreed to.

SITTING DATES

[11.37 a.m.]

Mr FERGUSON (Bass - Deputy Premier)(by leave) - Mr Speaker, I move -

That the House at its rising adjourn to Tuesday 8 November next at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Swift Parrot Habitat

[11.38 a.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, I move -

That the House take note of the following matter: swift parrot habitat.

It is not news that the Liberal Government, ably championed by the Labor Party, continues to subsidise Forestry Tasmania to log critical native forest habitat, which is essential for our climate carbon stores. We know this from the excellent work of Dr Jen Sanger, which has been refuted, which shows that the native forest logging industry in Tasmania has the highest annual emissions of any industry in Tasmania, equivalent to more than one million cars. It is an enormous contribution to keeping our climate safe and ought to be protected just for that reason alone.

It is not even news that the forests that are logged are precious habitat for communities of eucalyptus and rainforest species that provide essential habitat for the beautiful wildlife that live among them, but what is news is the report today - 'Swift parrots still in crisis: the ongoing conservation paralysis', work that is done by the Bob Brown Foundation's Action For Earth and the more than 90 people who spent last summer in the forest as citizen scientists, documenting the destruction that is occurring on a daily basis by Forestry Tasmania, paid for by taxpayers.

What this report shows is that since 2019, 2250 hectares of critical habitat for swift parrot, feeding as well as nesting habitats, have been utterly destroyed, effectively demolished with clear-fell cable-logging by Forestry Tasmania. It has had a catastrophic cost to the critically-endangered swift parrot and its survival. There have been other species that are also critically affected, especially the endangered masked owl, the grey goshawk, also endangered, and the spotted quoll. These are just some of the iconic species but the whole breadth of diversity in those beautiful forests is being lost forever by Forestry Tasmania's continued destruction. Through satellite surveillance, acoustic recordings, visual observations, photography and night time footage, this report shows without a shadow of a doubt the destruction of the swift parrot breeding area, and logging which is occurring right now in the north-eastern Tiers.

Citizen scientists in the forest are recording and documenting flocks of swift parrots coming to Tasmania. Right now, that beautiful jewel of a bird is coming here as it does every year from September to February. It flies from the southern states of Australia, it migrates here to seek refuge in its home for breeding and feeding, and birthing chicks that become fledglings that fly off to have a life of their own. They give us such joy when we see those fast little parrots flying overhead. They are red, green and brown. Their babies are bright lime green with beautiful orange necks. They have red beaks and they are absolutely delightful. They are a gift to us from the universe for us to experience.

What we have is a Government, under Jeremy Rockliff as Premier, with 9700 hectares of known swift parrot habitat listed for logging on the Forestry Tasmania's three-year plan, 2020-22. They are identified for the chop. Citizen scientists have done the work that the Forest Practices Authority ought to be doing. What this report shows in the most gut-wrenching way is that the regulatory body that ought to be standing up and protecting these critically

endangered, endangered, rare, threatened species, is failing at every level. It is not just failing, it is colluding. It is covering up what Forestry Tasmania is doing. It is a cabal of Forestry Tasmania and the FPA who provide cover so that people in the community continue to mistakenly believe that this Government gives any concern for protecting critically endangered or any of our native species. It clearly does not.

The Labor Party has done nothing at the federal level. Of course, at the state level they are supporting everything that is happening in the logging industry. Tanya Plibersek has talked big about putting the critically-endangered swift parrot on a highly protected species list but has done nothing. Meanwhile we have 9700 hectares and the pictures of destruction of what is happening in the Eastern Tiers. People should really have a look for themselves because the photographs of the demolished landscape, compared to what an intact forest looks like, brings tears to my eyes. It certainly did. It is environmental vandalism writ large.

They have documented cable-loggers leaving steep slopes completely deforested, with topsoil layers prone to severe erosion. Not only are they removing habitat for critically endangered species, they are trashing the joint. It is a disgusting way to treat a landscape, taking trees off such steep slopes. Eucalypts documented with diameters of 2.5 metres to 4.9 metres have also been identified in that place. We have seen the recordings in the report. There are pictures of recordings of chicks in trees which are logged or slated for logging. This is vandalism. It is being supported by the Liberals and the Labor party also supports it. I pay my respects and thanks to the 90 individuals who stood up. They are back in the forests, and they will stay there until it stops.

Time expired.

[11.45 a.m.]

Mr JAENSCH (Braddon - Minister for Environment and Climate Change) - Mr Speaker, I am happy to speak on this matter of public importance. I thank Dr Woodruff for bringing on the topic today. Our Government takes the protection of the swift parrot very seriously. We are committed to working collaboratively to protect it through a coordinated and adaptive management approach. This is a particularly rare and threatened species, but also a very difficult one to understand, manage and protect, in that it is one of the world's few migratory parrot species. It moves between Tasmania and mainland sites that are not well understood -

Dr Woodruff - They are very well understood. Do not mislead the House.

Mr SPEAKER - Order.

Mr JAENSCH - and throughout which in those journeys there is a range of threats and challenges they have to their survival as a small bird travelling across Bass Strait every year.

As I understand it, another factor that makes their conservation management particularly challenging in Tasmania is that what is habitat for them one year may not be the next. They are unlike other species like the orange-bellied parrot which seems to reliably return to the same sites each year to breed after its migration, whereas the swift parrot turns up in different places every year. This makes it challenging and complex. This is why we need a broad, flexible and collaborative approach, working across many disciplines, land managers, areas or sites of interest to ensure we are getting it right, and that is what we are doing. That is why our Government has committed $1 million over four years to the Swift Parrot Recovery Project,

which is building on existing activities identified in the National Swift Parrot Recovery Plan, as well as enabling new initiatives.

This work is being led and coordinated - with the Department of Natural Resources and Environment Tasmania - by a dedicated project manager. Given the complexity of the conservation management for this species which I have referred to, an initial focus of the project is to provide clear leadership in this space by improving the co-ordination of existing conservation efforts across land tenures, landscapes and stakeholders, and leveraging resources to address priority actions. The project is improving our understanding of the species and the cumulative impact of present and emerging threats, and will deliver effective actions on the ground in partnership with a range of land managers. The $1 million which this Government committed over four years will continue to build on existing recovery activities and develop and progress priority new initiatives for Tasmania.

Prior to the project commencing there was already a range of conservation management activities being undertaken in the state and nationally. A dedicated project manager started in my department in January 2022 and is actively working with partner organisations and stakeholders to implement co-ordinated and effective recovery actions. They are well-informed by data and science and based on contemporary information. The project has made substantial progress on a range of foundational initiatives. This includes extensive cross-sector collaboration to improve our ability to monitor the status and trends of swift parrots and increase understandings of their habitat requirements and threats, including sugar glider predation.

Another key focus for the project is assessing and prioritising habitat for protection and restoration. To achieve this in the short term, the project is working to establish voluntary conservation covenants to protect existing high-quality habitat on private land. In the longer term, protection of existing habitat will be complemented by strategic restoration of habitat across all land tenures to support the recovery and persistence of the population. A third priority of the project is investigating the potential to more actively supplement the wild population with a captive 'insurance' population to guard against extinction. The project team is drawing on the many lessons learnt from establishing and maintaining our orange-bellied parrot insurance population. It is currently leading a national audit of the existing captive population, including their genetic and health base lines, in collaboration with stakeholders in zoos and wildlife parks to inform our next steps.

Strong and active engagement is being sought with key Tasmanian government agencies and industry to appropriately resource these initiatives. This includes leveraging additional funds to ensure project outcomes are achievable, timely and effective.

These new project initiatives are being delivered in addition to the ongoing swift parrot functions that fall to the department. The swift parrot recovery project complements the ongoing activities of my department, with the Forest Practices Authority, to adaptively manage swift parrot habitat in Tasmanian native forestry operations under the forest practices system. This includes continuing engagement with the Forest Practices Authority to review efficacy of management prescriptions for swift parrots in native forest operations and adapt them in light of new information.

The Parks and Wildlife Service manages an extensive reserve network which provides protection for areas recognised as important swift parrot nesting and foraging habitat. The

Tasmanian forest practices system protects identified nesting habitats and ensures special areas of breeding and foraging habitat in our production forests are maintained.

Monitoring for swift parrots and other threatened species, and their associated habitat, is a critical part of the adaptive management and continuous improvement. This information contributes to ensuring our planning tools and management prescriptions for the parrot are robust and complementary. There have been a number of changes to swift parrot habitat management in forest practices systems over the last 12 months, reflecting the system's approach to adaptive management and in response to new information. It includes revising management approaches in response to new information in 2020-21, including that *Eucalyptus brookeriana* in the Eastern Tiers region may be a previously unrecognised and important foraging resource for the swift parrot.

Time expired.

[11.52 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I thank the member for bringing the Matter of Public Importance to the House today to discuss the swift parrot. I was interested to hear the minister's response. It was quite brief but I guess that is limited by the time we each have on a motion like this.

When taking a look at the Australian Government's responsibilities, stated on the Australian Government's Department of Agriculture, Water, and the Environment, their report released in 2021 for the National Recovery Plan for the Swift Parrot has some obligations for the state Government to fulfil. The minister spoke about some of those things. There is the responsibility for action for Tasmania on the development of a strategic management plan for swift parrot breeding habitat in Tasmania. The overall objective of the recovery plan published by the federal government is to prevent further decline of the swift parrot population and to achieve a demonstrable sustained improvement in the quality and quantity of swift parrot habitat to increase carrying capacity. That would be both breeding and feeding areas.

I listened carefully to what the minister had to say. He gave us some examples of what the Government is currently undertaking as part of this project work, noting that the project manager commenced in the department only in July this year. Presumably, that is still in very early stages or is that specifically to the sugar glider program?

Mr Jaensch - I am happy to provide the notes to you later.

Ms WHITE - Okay, because a significant part of the work funded in the state Budget as a part of that $1 million over four years is to look at the degradation by sugar gliders. The Government has funded a trial. I was interested to hear the minister mention that. However, I did not hear an update on how that trial is progressing. We all understand how detrimental sugar gliders are to the swift parrot habitat. It is important to understand the progress on that trial, given it is being funded by taxpayer money. I am sure members of this House would be interested to know what findings or, indeed, what actions the Government is proposing to take as a result of evidence it has garnered through that trial.

The Australian Government's National Recovery Plan for the Swift Parrot identifies a number of ways they are seeking to achieve the outcomes I mentioned as a part of the overall objectives of the recovery plan. They have talked about implementing the recommended recovery actions to meet the designated performance criteria, including a range of identification

and mapping activities, managing and protecting nesting and foraging habitat, and monitoring and managing the impacts of climate change.

We have a new government in Canberra and the federal Labor minister for the Environment, Tanya Plibersek, has been clear about her intention to act more decisively to protect our environment, not just from the impacts of climate change but also to help protect threatened species, including the swift parrot. I encourage the minister in Tasmania to work closely with our national government to understand how we can give effect to the recovery of a species that has been in population decline. I did not hear the minister provide an update on population numbers but it would be interesting to understand how they have changed from the data publicly available on the Government's website and whether the mapping started and undertaken as a part of the National Recovery Plan for the Swift Parrot is giving some early indications about those figures because that was only released in 2021.

I have not seen the Bob Brown Foundation report referenced by the member for Franklin, Dr Woodruff, in her contribution today. I was unable to read that ahead of my contribution today and so I am unable to make any comment on that. What I do have is information from both the federal and state governments. I know there are plans in place and efforts under way, with funding, to see if we can support the recovery of the swift parrot and address the predatory behaviour of the sugar glider on swift parrots - the eggs, the young and the full-grown birds, which I understand it can also eat - and also its nesting and feeding habitat. I will take a look for the report mentioned by Dr Woodruff.

It is still important, if the Government has another speaker, to provide an update on that trial funded in the Budget: also, any update on progress made to meet obligations under the National Recovery Plan for the Swift Parrot. I do not know if you are having any other speakers, minister, but that would be helpful.

[11.57 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, it was a very lacklustre contribution from the Leader of the Opposition. Unfortunately, as we often hear from government members and ministers, and the Leader of the Opposition, we hear a lot about the sugar glider rather than the range of threats to the swift parrot and other endangered, and critically endangered species, in this instance the swift parrot. We hear a lot about predation.

No one wants to talk about the actual massive threat to the species, which is the loss of habitat. It is the loss of habitat that ultimately drives species to extinction. What is destroying the habitat of the critically endangered swift parrot? Industrial-scale native forest logging. That logging is flattening trees they count on for breeding and feeding - *viminalis*, *ovata*, *globulus*, *delegatensis* - those eucalypt species in Tasmania that are essential for the survival of this incredible bird, the fastest parrot on earth.

It is very important when you have a debate about a species' chances of survival that you are honest about what the threats are. Hopefully, none of us here want to see that beautiful bird be driven to extinction. However, it is on the cusp of it. The last research I saw said the estimate is that the swift parrot is down to about 300 individual birds because there has been a lack of investment in understanding what is happening to this species and in protecting its habitat. We have had a recovery plan that does not seem to be much more than a document. There has not been enough research done on the status of this bird. There has not been enough

focus on saving this bird, rather than continuing to excuse and enable a native forest logging industry that on this island too rarely has known any bounds at all.

As Dr Woodruff made clear in her contribution, the native forest logging industry, apart from driving species to extinction - from the swift parrot to the masked owl to the spotted quoll, leaving species on the brink - it is the largest emitter of carbon dioxide on the island. The science which is referenced, the methodology of which is laid out really clearly in Dr Jen Sanger's work, is clear that native forest logging emits 4.65 million tonnes of carbon - CO_2e - each year, and that is made up of both short-term and long-term emissions.

It is immoral to log forests that are carbon stores. It is immoral to knowingly log the habitat of a species that depends on our forests for survival, and we have seen that protection racket of Forestry Tasmania and the Forest Practices Authority operating here against the interests of the swift parrot since forever.

The paper the Bob Brown Foundation released talks about the discovery of logging in December of last year when BBF scientists and citizen scientists were surveying a coupe in the Southern Forests and discovered that instead of what the minister in his contribution described as 'adaptively managing' the species, BBF busted Forestry Tasmania 'adaptively logging' their habitat. That is what happened. There was logging happening underneath the swift parrots in a prime habitat forest. In the back of this document is an email chain between the Bob Brown Foundation, which wrote to former premier Peter Gutwein, the Forest Practices Authority and minister Guy Barnett with clear evidence that logging was happening in the habitat of a critically endangered species while the species was there. That is not adaptive management; that is wilful action taken that will drive a species towards extinctions.

This correspondence chain, which is the appendix to the Bob Brown Foundation's report, is plain that if not for the Bob Brown Foundation and their citizen scientists, that coupe would have been flattened and burned, and who knows what would have happened to those birds who at that time were either nesting or feeding on that site. Because of the citizen science work of the Bob Brown Foundation, that logging operation was ceased. Is that not the work the Forest Practices Authority should be doing when they approve a forest practices plan for a Forestry Tasmania operation, whether it is undertaken by contractors or Forestry Tasmania staff themselves? You would think so.

Let us move away from this Orwellian focus only on the sugar glider as a threat to this bird. Yes, it is part of the threats, but talking about and focusing on the sugar glider is a really obvious ploy to avoid talking about the threat of native forest logging to the swift parrot and to every other threatened and endangered species.

A recovery plan for the swift parrot that only has $1 million in it over four years is not worth much.

Mr Jaensch - Additional.

Ms O'CONNOR - An extra million dollars over four years will employ you one scientist and an administrative assistant for $250 000 a year, and a recovery plan is meaningless while they are still logging swift parrot habitat.

Time expired.

[12.05 p.m.]

Mr YOUNG (Franklin) - Mr Speaker, I am sure it is obvious at times that I have not been in this place very long but it is also obvious to me that we have another day and another Greens attack on our productive industries, whether it is renewable energy projects in the north, mining or minerals necessary for everyday life on the west coast, or our sustainable forest native forestry industry sector in the south.

The Greens have made a habit of attacking our regional businesses and regional jobs. The reality is that Tasmania does forestry well. We do it well because we are blessed with the geography and environment that is suited to growing trees. We do it well because we do forestry in a way that is sustainable and renewable. As the Greens well know, where timber is harvested from our native forests it is done so in a sustainable way in accordance with our world-class forest practices systems. In fact, in any given year less than 1 per cent of our native forests are harvested and whenever wood is harvested from our native forests it is regrown as native forest. This not only maintains our native forest estate in perpetuity but allows for carbon capture as these trees grow.

Tasmania does forestry well because of the people the industry attracts, people who are innovative, hardworking and creative, people such as in my own electorate of Franklin, particularly the Huon community. One of the great benefits I had of spending time with the late Paul Harriss was his immense support of the industry and going around with him amongst the families of the Huon, generations of families, people who work hard and care for the industry. As Mr Harriss often said to me, people have forgotten more about forestry than I will ever know. We also do forestry well because of our well-respected forestry practices systems. This system has stood the test of time for more than three decades, underpinning sustainable forestry management. It has helped foster a culture of continual improvement, ensuring that forestry in Tasmania is best practice.

In relation to swift parrots, our forest practices systems protect identified nesting habits and ensures special areas of breeding and foraging habitat in our production forests are maintained. Also, the Tasmanian Liberal Government is strongly committed to protecting swift parrots. The minister has shown that before. Last year our budget provided an additional $1 million over four years for swift parrot recovery actions. This builds on other actions we have taken to protect swift parrots including a project to trial methods for $150 000 of trapping sugar guiders. The success of this trial allowed NRM South to leverage further funding from the Australian Government of $1 million to continue this important work.

The Swift Parrot Public Area Management Agreement signed between STT and DPIPWE in 2020 for southern forests sets aside 9300 hectares of swift parrot nesting habitat from wood production. As those opposite well know, there is a whole suite of factors impacting the long-term survival of the swift parrot in Australia. A significant threat to the swift parrot is predation from the introduced sugar glider. The Tasmanian Government has introduced a range of measures in place to minimise any potential impacts of forestry on the swift parrot.

The Parks and Wildlife Service manages an extensive reserve network which provides protection for areas recognised as important swift parrot nesting and foraging habitat. Over and above those requirements of the forest practices systems, Sustainable Timber Tasmania undertakes a range of additional management measures to protect the swift parrot in our production forest, which include developing a swift parrot management plan in consultation with key stakeholders to detail the strategies and corresponding actions which aim to provide

increased conservation and management for the swift parrot in public production forests, and focusing on coupes that are unlikely to contain significant swift parrot habitat in their three-year wood production plan, and where some coupes may contain significant habitat, excluding this habitat through detailed operational plans.

The status of some of those notable recovery plans include that the swift parrot recovery plan is to be maintained under the federal Environment Protection and Biodiversity Conservation Act 1999 (FEPBCA) through a review and re-making process. The national recovery plan is being updated to include new information on emerging threats, particularly the predation by the introduced sugar glider to swift parrot adults and young in Tasmania.

The Australian Government released a draft of the Swift Parrot Recovery Plan for consultation on 7 March 2019. The Australian Government incorporated comments received through the public comment process, including the single Tasmanian Government submission from the Department of State Growth. Since then the Department of Primary Industries, Parks, Water and Environment has subsequently undertaken a more targeted consultation, including with the swift parrot recovery team officers in DSG/NRE Tasmania and the Forest Practices Authority to refine a final draft.

The Australian Government Department of Agriculture, Water and Environment submitted that draft to the Threatened Species Scientific Committee (TSSC) for consideration in its November 2020 meeting. Upon TSSC's advice, minister Ley decided to make the plan, but finalisation was delayed due to the Australian Government going into caretaker mode.

However, we know that is not enough for the Greens. Their ultimate and stated aim is the ending of our sustainable native forestry sector and the hundreds of regional jobs it supports. Our sustainable forestry management approach is reinforced by the IPCC and supports jobs in forestry rather than the job-destroying lockups proposed. Unlike Labor, Western Australia and Victoria, we do not intend to shut down our sustainable native forestry sector. On this side of the House, we are committed to the long-term sustainable management of our forests for the benefit of all Tasmanians and we are proud to stand with our productive industries.

Time expired.

Matter noted.

ANIMAL WELFARE AMENDMENT BILL 2022 (No. 42)

In Committee

Continued from 26 October 2022 (page 120).

Clauses 6 and 7 agreed to.

Clause 7 -
Section 9 amended (Aggravated cruelty)

Ms O'CONNOR - We were somewhat mystified as to why this was not put in the bill. I move -

Page 5, after clause 7.

Insert the following new clause -

B. Section 12 amended (Traps)

Section 12, subsection 2 of the Principal Act is amended inserting "soft" before "leghold".

I hope the minister accepts this amendment, because I wonder if a mistake has been made by the department or minister Palmer's office because it is a very clear recommendation of the Animal Welfare Advisory Committee that leghold traps are not used.

The effect of the amendment is to clarify that an exemption can only be applied for in relation to a 'soft leghold trap', rather than a 'leghold trap' more broadly. This is a recommendation from the 2013 review of the act by the Animal Welfare Advisory Committee and the report of AWAC on page 28 says:

> In relation to the possession of operable steel leghold traps, the committee decided against prohibiting such possession, as too many persons may unknowingly possess such items. However, the committee agreed that the act should be amended to prevent their use under any circumstances (even with a permit). The use of soft leghold traps with ministerial permission, would still be provided for.

Mr Chair, this is a necessary improvement to the act and it is strongly recommended. It is not a tempered recommendation from the Animal Welfare Advisory Committee. It is strongly recommended that steel leghold traps should not be used under any circumstances because they are so cruel. The amendment is put forward in good faith because we agree with the Animal Welfare Advisory Committee that steel leghold traps should not be used under any circumstances. We hope that the minister agrees.

Mr BARNETT - I thank the member for her remarks and the genuine approach which she is taking to this bill and also to this particular amendment. To make it very clear, we do not support this amendment -

Ms O'Connor - So, you support the use of steel leghold traps?

Mr BARNETT - No. Can I maybe have the opportunity to share some remarks in response to the Leader of the Greens? The Government does not support this amendment as it has not been considered in depth by the department or the AWAC, and might have unintended legal consequences. Section 12 as it appears in the current act bans all forms of leghold traps, including soft traps. The meaning of 'leghold trap' is currently not limited in the act by definition. For that reason, the amendment is not supported.

I would like to flesh that out with further advice I have received to assist the member and the Chamber. I am advised that no exemptions have been granted since 2019. I imagine the only situation when such an exemption would be sought is as a biosecurity or pest management measure. Both the AWA and the Biosecurity Act 2019 would apply, and both are binding on the Crown and the minister.

Section 7 of the AWA prohibits the minister from allowing a method of pest control that is likely to cause unjustifiable and unreasonable pain and suffering. Section 4(e) of the Biosecurity Act states 'a person performing a function under this act is to ensure that if the performance of the function involves an animal, the performance of the function does not, or is not likely to cause unreasonable and unjustifiable pain or suffering to the animal.' Therefore, the combined operation of the above would likely only allow the minister to exempt the leghold trap of a design that minimised the pain and suffering to an animal, and only if it is absolutely necessary, reasonable and justifiable. I am sharing that as the advice I received. It seems very sound and reasonable advice. That is the reason we will not be supporting this amendment.

Ms O'CONNOR - Thank you for that answer. I do not agree that you should not amend this section to make it really clear that you would only provide a permit or an exemption for the use of a soft leghold trap. I would like to have it clarified by you. Is it your contention that the use of steel leghold traps on this island is already unlawful?

Mr BARNETT - The advice is 'yes'.

New Clause B negatived.

Clauses 8 to 14 agreed to.

New clause C -

Ms O'CONNOR - Mr Chair, I move the following amendment.

Page 11, after clause 14.

Insert the following new clause -

C. Section 43AAC inserted

Before section 43A of the Principle Act, the following section is inserted in Part 7:

43AAC. Use of CCTV systems in abattoirs

A person who opens, keeps or uses a place, or allows a place of which the person is the occupier to be opened, kept or used, as an abattoir, must ensure the abattoir has a closed-circuit television system installed and operating in accordance with any standards prescribed in the regulations.

Penalty: In the case of -

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) a natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 6 months, or both.

(c)

We hope the minister recognises that the use of CCTV footage in an abattoir is a very important measure for preventing unnecessary and unjustifiable suffering of the animals that go into an abattoir.

I referred yesterday to the *Four Corners* report by outstanding investigative journalist, Caro Meldrum-Hanna, where an employee at the abattoir in Caboolture was so horrified at the way that former racehorses were being treated and fed into the meat grinder terrified that they filmed what was happening to these horses. If not for that person, we would not have known what happens to former racing horses because there would be no eyes on an abattoir like that, just as there are no eyes on any abattoir operating in Tasmania.

In the same way that we have CCTV footage around our cities and towns to keep people safe, we have CCTVs in the Ashley Youth Detention Centre to try to keep the children in there safe, so, too, should we have CCTV cameras as a condition of operating an abattoir. There is no good reason not to.

The Alliance for Animals, in its advice to Government in the consultation stage, recommended that the Animal Welfare Act mandate the use of closed-circuit television for all animal slaughter facilities in the state. Slaughter facilities are one of the highest risk points in the production chain for animal welfare. For this reason, there is already a high level of uptake of CCTV within the red meat processing industry, with the majority of abattoirs having already installed CCTV in both pre- and post-slaughter areas.

CCTV in slaughter facilities is also becoming an issue for trade and market access as Australia negotiates trade agreements with other nations. Australia's lack of CCTV in slaughter facilities became a point of contention in the recent Australia-UK Free Trade Agreement negotiations, with UK officials raising concerns about Australia's animal welfare standards.

This will also be a key consideration for European officials: the ongoing negotiation of the Australia-EU Free Trade Agreement requiring CCTV in all slaughter facilities within the state. This would facilitate trade and market access for Tasmanian businesses, as well as providing assurances to Tasmanians that animal welfare is taken seriously and monitored closely in slaughter facilities in the state.

There is no reason at all that we should be sending animals to slaughter in a manner that shuts them out of sight and mind, and enables unjustifiable, unnecessary terror and harm to be inflicted on those animals. If, as a society, we are going to eat meat, which as a society we do, then we need to be reassured that the meat that arrives on our plate has not come from terror and cruelty.

I do not know if other members are contacted by people who have worked in abattoirs who have seen some of the worst of it. I remember a few years ago receiving information about the operations of the Gretna abattoir and the terror those cattle, sheep, and horses were experiencing before they died.

Having CCTV in abattoirs is another protective measure. If we are going to eat meat, let us take responsibility for ensuring that that animal's shortened life journey to the abattoir and that process of their death is as humane as it possibly can be. This is not a novel concept, as the Animals Australia submission makes clear. There are meat producers who willingly have CCTV cameras inside their operations because they are doing everything they can to make sure that the animals that are killed in those facilities, it is done in as humane a way as possible.

I will never forget the look on those horses' faces from the footage that came out of that Caboolture abattoir: sheer, wide-eyed terror and knowledge of what was going to happen to them because they could hear the screams of the horses being shoved into the meat grinder before them.

Let us be an evolved and humane state and let us, this parliament, do the right thing by animals that we decide, as carnivores and omnivores, will be bred and killed before their time for ourselves. Let us do something right by those animals and make sure that slaughter facilities in this state have CCTV footage, just as CCTV footage is rolled out in many other parts of this island for good reason.

Mr BARNETT - Chair, I thank the member for putting this amendment forward and for her remarks. I understand the sentiment and where she is coming from. High standards in our meat-processing facilities, in our abattoirs across Tasmania are very important. It applies not just with respect to animal welfare but to biosecurity, food hygiene and food processing.

I have been into many meat processing facilities in my time in this role and also when I was minister for primary industries and water, and since I was a kid in fact, on the farm. It is fair and reasonable to expect high standards. As a government, we expect high standards when it comes to animal welfare, biosecurity and food safety. We are very much on the same page in many respects regarding the importance of high standards. It is a matter of how that is achieved.

We do not support this amendment. In terms of providing detailed management and operational prescriptions, as outlined in this amendment, it is our view that that is best dealt with in statutory rules, regulations made under the act, or through accreditation licence conditions, which are more amenable to fine-tuning, updating to reflect the technology and practices of the time.

I will give you an example with respect to the ban on new battery cage hen operations in Tasmania. That was implemented through regulations, through the Animal Welfare Domestic Poultry Regulations 2013, not through amendments to the act, the primary act.

Ms O'Connor - That was another government in another time, wasn't it?

Mr BARNETT - Yes, it was another government in another time, and we are here now, but I am making the point that maintenance and operational matters are best dealt with in a way that you can adjust to the circumstances and the practices of the time. At all times we want high standards, so we take animal welfare very seriously, as we do biosecurity and food safety as well. The food safety standards should apply across all our meat processing facilities in Tasmania.

The other point I want to make with respect to food safety is that my advice is all abattoirs must be accredited under the Primary Produce Safety Act 2011 and as part of that accreditation must undergo mandatory independent auditing to comply with regulatory and Australian Standards across the country, which have a significant animal welfare component. They are very highly regulated operations as well. It is for those reasons that we are unable to support this amendment.

Ms O'CONNOR - Minister, you talked then about the importance of having high standards in slaughtering facilities, but how do you know? How on Earth would you or any government bureaucrat know how high those standards are for the pigs being sent into the abattoir at Scottsdale, the cows going into the abattoirs in the south, or the former racehorses that are being put on the *Spirit of Tasmania* and sent to the mainland for slaughter? How would you know? Do you have information about how often Biosecurity Tasmania undertakes inspections of abattoirs and other slaughter facilities? That could help inform the House and provide some more justification for your refusal to contemporise the act in this way and bring it into line with community expectations but also what is happening in other jurisdictions in other businesses, and also what is being asked of us by our trading partners. Is there information you have as minister about Biosecurity Tasmania inspections of slaughter facilities? I will bet they do not happen very often.

As I only have a couple of cracks at this amendment, I might just stay on my feet. Sometimes in this place when we put forward an amendment and we hear the minister talk all this padding stuff to say how important the issue is, how they understand where we are coming from and how they take it very seriously, but 'we will not support your amendment', it is really frustrating and sometimes feels super disingenuous. It would be more honest for the minister to say, 'Actually, this does not suit my constituency up in Scottsdale so I am not going to support it'. It would be better if the minister was more honest.

What we did not get then was a commitment to change the guidelines or have regulations that provide for CCTV cameras inside abattoirs. There was no commitment there; just a vague nod to the idea that it may be possible through regulation. So that the record is really clear, it was the Greens in government who in 2013 made sure that there was a ban on new battery hen operations and that was undone very quickly after the Liberals came to office.

Not one of our amendments to date on this bill has been accepted. They are amendments that have either come from an Animal Welfare Advisory Committee recommendation, or from legal experts and advocates in the area of animal welfare. We have had the minister make excuse after excuse for not supporting any of our amendments. With this one, I think it is because the minister is worried about upsetting the Exclusive Brethren in Scottsdale. Why else would you not have some provision for CCTV in slaughterhouses? We know, because the Liberal Government gave - I think it was a $3 million - to a Scottsdale pig farmer to set up an abattoir that, as I understand it, he does not share. That is public money going to one Scottsdale pig farmer who is part of an Exclusive Brethren network of pig farmers: $3 million from the Liberal state Government. Give us a break.

This has more to do with the Liberals' perceived constituency than it does with thinking this is not the appropriate place to provide for CCTV cameras in the act. It is not justifiable and you are letting abattoirs and slaughterhouses off the hook. We should have eyes into those places. Government should have eyes into places.

In his answer, I hope that the minister has information from Biosecurity Tasmania's annual welfare inspectorate about how often inspections are made of slaughter facilities on this island. Like I said earlier, I bet it does not happen very often.

Mr BARNETT - I thank the member for her observations and reject outright the allegations made against this Government, specifically with respect to Scottsdale Pork. That is unfair, unreasonable and wrong. I reject it wholeheartedly. I thank Scottsdale Pork for the services they provide and I am very pleased with the investment the Government has made there to support the Tasmanian pig industry. Without adequate processing facilities in Tasmania we would probably not have a pig industry in Tasmania. That decision was made at the time for good reasons. I thank Scottsdale Pork for the work they do and the services they provide.

With respect to the substance of the other parts of the remarks, as I said in my earlier response, the Primary Produce Safety Act sets up an accreditation system. There must be a mandatory independent auditing process to comply with regulatory standards in Tasmania and nationally. They have a significant animal welfare component. My advice is that they occur annually or as and when required. With respect to our export facilities -

Ms O'Connor - Which one?

Mr BARNETT - I will do my best, Chair, through you. With respect to export facilities or export licence facilities such as Swift and TQM in the northern part of the state, my advice is that there is a full-time vet there to monitor and ensure compliance with the regulations.

That is the reason we do not support this particular amendment. It is very fair and reasonable but I understand the sentiment of where the member is coming from and repeat again the importance of high standards in this respect. I hope that is noted by the Chamber.

Ms JOHNSTON - I will be supporting this amendment. It is an important enhancement to further improving animal welfare. I have concerns with regard to the minister's response for why the Government will not be supporting this amendment and it is about inspections. Inspections are at a point in time. I am sure Ms O'Connor has people coming to her, as I do, who raise concerns with me about the fact that there is no ongoing monitoring. That is exactly what a CCTV system would do. It would provide ongoing and continuous monitoring of the circumstances and the environment in those abattoirs.

Whilst inspections might occur, it has been my experience, hearing from people within the industry, that they often get the heads-up that the inspection is going to occur, and then it is simply a matter of making sure that you have ticked all the boxes, put on your best suit and smiled for the cameras and all those kind of things, and make sure you tick what is necessary for those inspections. That does not necessarily reflect the ongoing and continuous operations of the abattoir or any business that is involved with animal welfare at all.

This is an important amendment which would ensure there are those eyes in those particular places and environments, continuously, to ensure we can enhance animal welfare.

With reference to the minister's suggestion that perhaps these kinds of matters could be better dealt with through an accreditation system, through a regulator or regulations, once again I have concerns that will not be the case. I know through the racing industry that the

accreditation system in regard to training licences and owner licences really is not worth the paper it is written on. There is often blatant disregard for the requirements of accreditation by the regulator in those particular instances where compliance with requirements is simply waived because it is more convenient to do that.

I have concerns if we rely merely on an accreditation system and an ad hoc inspection system to give us surety that when it comes to abattoirs the right thing is being done to provide a better environment for animal welfare in a situation that is not ideal, where animals experience significant terror. I am sure, in this place, we all want to limit that. This amendment would provide us with those eyes to give us some comfort and assurance that we have done all we can, at all times - not just at times of inspection or at the time of accreditation - to ensure we have done all we can for animal welfare and to improve it. I will be supporting the amendment. It is an important inclusion in the legislation rather than being left to regulations.

Ms FINLAY - I place on the record that Tasmanian Labor will not be supporting this amendment. There was a very tight suite of amendments put out to consultation in the community and consulted on for over a month. More than 85 submissions were made. Moving this amendment now prevents significant stakeholder consultation on this and prevents the opportunity for advice and consideration to be given on the best instrument for the outcome.

Mr CHAIR - The question is that new Clause C be agreed to.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New clause C negatived.

Clause 15 agreed to.

New clause D -

Ms O'CONNOR - I move the following amendment -

Page 12, after clause 15.

Insert the following new clause -

D. Section 49A inserted

Before section 50 of the Principle Act, the following section is inserted in Part 8:

49A. Annual report

(1) The Secretary must, as soon as practicable after the end of each financial year, prepare a report on the administration of this Act showing, in particular –

(a) the number of charges made for each offence under this Act; and

(b) the number of infringement notices issued under section 43A; and

(c) the number of licences issued under section 29, and the number of licences granted under section 30; and

(d) an overview of any guidelines on animal welfare approved under section 44B; and

(e) details of any expenditure from the Animal Welfare Trust Account.

(2) The Secretary must give the report prepared in accordance with subsection (1) to the Minister who must table it in both Houses of Parliament within 10 sitting-days of its receipt.

Chair, this is an obvious transparency clause. I would not have thought Labor could find the excuse that this one has not been consulted, therefore they will not support it, which as we know is a complete cop-out on Labor's part. We are in here as legislators. On any number of bills, members should be able to put forward amendments that they know either improve the bill, or are just the right thing to do, or have broad community support, even though we have not asked everyone in Tasmania what they think of the idea. Saying you will not support something because it has not been widely consulted is a complete and utter cop-out but that is what I expect from modern Labor, unfortunately, because I still cannot work out what Rebecca White's Labor stands for apart from themselves.

The disclosure requirements are an important transparency mechanism and I will go back again to the excellent submission from Animals Australia which states:

> As a general principle we support transparency and accountability in the enforcement of animal welfare law. Agencies and organisations charged with the administration of the act should be subject to mandatory disclosure requirements to provide detailed information to the public about the number of compliance monitoring inspections carried out, including rates of non-compliance detected; directions issued; prosecutions commenced and the nature of those prosecutions. The Department of Natural Resources and the Environment should also be required to report to parliament on such matters. The Greens agree that greater transparency about compliance and enforcement activity serves to increase community confidence as it provides assurances that compliance with the act is being monitored and transgressions are being dealt with appropriately.

Again, this is not a proposed amendment that has a large impact on a large number of people; it is a proposed amendment that places reporting obligations on the secretary of the department. This is not an amendment that would require copping out on because you think there needs to be broad consultation. I think most Tasmanians, most primary producers, people who work the land, would want to see transparency around animal welfare, how many charges, infringements, the issuing of licences, guidelines. This is simply providing more clarity about the operation of the act and recognising that parliament has an oversight role here, as it should although, invariably, at the moment there are only three people in this House who regularly talk about the health and wellbeing of animals. They are not from the Government side of the House and they are not from the Opposition side of the House. It is the Greens and Ms Johnston, and that is it. We are the only people in this place who give voice to animals.

I am tired of lip service. We hear from the minister for Racing, for example, in responding to a petition from 13 500 people, that animal welfare is a priority of the Government. Well, show us. Do not just tinker with this act and block every substantive amendment that would make it that bit stronger. Be serious about it instead of paying lip service. Do not tell us that it is your number one priority if it is eight years since you brought any amendments in. Do not tell us it is your number one priority if you are still funnelling $12 million a year into greyhound racing, because it is not your number one priority. What is your number one priority in this space? It is industry. Every time, whether it is animal welfare or the environment. Every single time, big business, industry and party donors have a stronger place in the hearts and minds of Liberal and Labor politicians than the people, the places or the creatures about which we make laws.

I will be interested to hear what the minister's excuse will be for not supporting this amendment. I will be interested, possibly, to hear what Labor's excuse will be. No doubt they will scratch one up. The only reason Government would not support this is if there is such inactivity in this space that to commit to detailing this information to parliament would expose the inaction in terms of monitoring compliance and enforcement under the Animal Welfare Act 1993. I hope the minister understands, even though I have had a bit of swipe on the way through, that this is a commendable amendment which should be part of oversight of the Animal Welfare Act 1993.

Mr BARNETT - Chair, I thank the member for her amendment and her remarks. The Government does not support the amendment because it is not needed for such reporting to occur. The Government has a commitment to increase transparency and continually review information which may be appropriately actively released. An example of that is information

on the annual animal research statistics in Tasmania. They are released annually, tabled in parliament under section 35 of the act.

Ms O'Connor - That has been happening for years. You did not initiate that.

Mr BARNETT - I did not I say initiated it. I am just making the point in terms of animal research stats. There are guidelines under section 44B of the act, published on the Department of Natural Resource and Environment Tasmania's website.

Of course, there is other information that can be required through direct request of NRE: right to information, budget Estimates hearings, other legislative and parliamentary processes; those are obviously available on an ongoing basis through the parliamentary process.

In addition, the legal ramifications of mandating reporting requirements in this act, as proposed, have not been assessed or considered in detail. They certainly were not consulted with stakeholders and it may have unintended impacts on the operation of existing processes. There is a range of reasons we do not support it. I do understand the sentiment of it and the *Hansard* from this place will be passed on to the relevant minister, Ms Palmer, and I will pass on the concerns that have been expressed.

I take this opportunity to thank the minister, Jo Palmer, for her leadership in this place to deliver and strengthen Tasmania's animal welfare legislation and greater protect animals and their welfare.

Ms O'CONNOR - Chair, I saw you look at the Labor spokesperson to see if she was going to hop to her feet and make an excuse. She did not. I am noting, for the *Hansard* record, that Ms Finlay has sat mute on this amendment and will, no doubt, vote against it without giving the House a reason.

Ms JOHNSTON - This amendment is important. I note the minister's comments that some of the information might be available through other avenues but what this amendment does is provide a central point where those who are concerned about animal welfare can get information about the administration of the act and compliance with the act.

It is not good enough that animal welfare advocates have to trawl through Estimates proceedings, through RTI requests, to get the most basic of information about how we are ensuring that the requirements of the Animal Welfare Act are complied with. It does not suggest that we are being open and transparent if we are making people jump through ridiculous hoops to be able to find that information. Certainly, all the information that this would cover is not easily discoverable.

I encourage members to support this amendment. Transparency is a good thing. Being able to provide information to people about the administration of acts is a good thing. It needs to happen. I strongly urge Labor to consider supporting this amendment because it is just about that transparency. It is not adding an extra welfare requirement on anyone that has not been consulted. It is just about making sure we are doing our job and we can ask those important questions about how we are applying the act. I encourage members to support this amendment.

CHAIR - The question is that New Clause D to follow clause 15 be agreed to.

The House divided -

AYES 3	NOES 19
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New Clause D negatived.

Sitting suspended from 1.03 p.m. to 2.30 p.m.

ANIMAL WELFARE AMENDMENT BILL 2022 (No. 42)

In Committee

Resumed from above.

Clause 16 agreed to and bill taken through the remaining stages.

Bill read the third time.

LEGAL PROFESSION AMENDMENT BILL 2022 (No. 45)

Second Reading

[2.32 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Speaker, I move -

That the bill be now read a second time.

This bill continues our Government's work to resolve technical legal issues arising for Tasmania's boards and tribunals as a result of the High Court's decision in Burns v Corbett 2018, HCA 15.

The bill will amend the Legal Profession Act 2007 to resolve the issue as it has arisen for the Legal Profession Board of Tasmania and Legal Profession Disciplinary Tribunal under the legal practitioner complaints and discipline framework.

To briefly summarise, the issue arising out of Burns v Corbett is that in circumstances where a legal dispute involves matters of the kind referred to in section 75 or 76 of the Constitution of the Commonwealth, notably in this instance, federal diversity jurisdiction, that matter cannot be entertained by a tribunal, board or other subordinate body. Federal diversity jurisdiction arises where the legal dispute is between natural persons resident in different states, or between a state and a natural person resident in another state.

Section 417 of the Legal Profession Act provides that its purposes are:

(a) to provide a nationally consistent scheme for the discipline of the legal profession in this jurisdiction in the interests of the administration of justice and for the protection of consumers of the services of the legal profession and the public generally;

(b) to promote and enforce professional standards, competence and honesty of the legal profession; and

(c) to provide a means of redress to complaints about lawyers.

Complaints are made under the Legal Profession Act to the Legal Profession Board, following which they may be dealt with by the board itself, the Legal Profession Disciplinary Tribunal or the Supreme Court of Tasmania.

Generally, it is the case that matters capable of amounting to unsatisfactory professional conduct are dealt with by the board itself, while matters capable of amounting to professional misconduct, considered to be more serious, are dealt with by the disciplinary tribunal or the Supreme Court.

The Legal Profession Act also provides a mechanism for a complainant, or a practitioner who is the subject of a complaint, to appeal a determination of the board to the disciplinary tribunal or the Supreme Court. Federal diversity jurisdiction may apply if the board or disciplinary tribunal exercises judicial power in the determination of a complaint in circumstances where the complainant and legal practitioner are residents of different Australian states.

Tasmania's legal profession operates within a national legal services market, so it is not uncommon that legal practitioners and their clients are based in different states. For example, the person making the complaint may be a resident of Victoria, while the legal practitioner about whom the complaint is made may be based in Tasmania.

In these circumstances, and in accordance with the decision in Burns v Corbett, the board and disciplinary tribunal are unable to exercise judicial power in respect of the matter and currently have no option under the Legal Profession Act, except to dismiss it for want of

jurisdiction. This bill will resolve this issue by creating a new pathway for these matters to proceed.

To be clear, this is not an issue that may be cured by simply conferring jurisdiction upon a tribunal, board or other subordinate body through legislation. This is an original jurisdiction of the High Court. The only body other than the High Court that may exercise such jurisdiction is a court of the state that is vested with federal jurisdiction. In Tasmania that is the Supreme Court and the Magistrates Court.

This is a similar situation to that which our Government addressed last year through the legislation enabling commencement of the Tasmanian Civil and Administrative Tribunal, or TASCAT, under Part 9 of the Tasmanian Civil and Administrative Tribunal Act 2020. Of course, the amendments in this bill are being progressed separately to the TASCAT amendments because the board and disciplinary tribunal are not part of TASCAT.

The amendments in this bill also take a different approach to those made for TASCAT. The intention in this bill is to resolve the federal jurisdiction issue while preserving to the greatest extent possible the existing legal profession complaints and disciplinary framework. Different provisions are also required because the TASCAT Act creates the jurisdiction in the Magistrates Court, while the appropriate jurisdiction for the Legal Profession Act is and remains the Supreme Court.

The new section 464A, inserted by the bill, provided the pathway for complaints to proceed under the existing framework where the board or disciplinary tribunal considers that federal diversity jurisdiction applies, or where there is some doubt as to its application in proceedings. For complaints being heard by the board where federal diversity jurisdiction issues arise, the board will be able to dismiss the original complaint and then make a fresh complaint itself in relation to the same conduct and the disciplinary tribunal can hear and determine the matter. For example, the board rather than the interstate resident would be the party and subsequently no federal diversity jurisdiction issue arises for the disciplinary tribunal.

For complaints being heard by the disciplinary tribunal, the amendments will clarify the process by which it dismisses the complaint and an application can then be made for the complaint to be heard and determined by the Supreme Court, which has jurisdiction in relation to matters involving federal diversity jurisdiction.

The differing approaches reflect variances in the complaints process provided under the Legal Profession Act for the board and disciplinary tribunal, and the identified circumstances under which federal diversity jurisdiction may arise. In preparing these amendments, the department has aimed to preserve the existing complaints framework to the greatest extent possible.

I will now look at the clauses in the bill in sequence. Clauses 4, 5, 6 and 7 of the bill make changes to the complaints provisions within chapter 4 of the Legal Profession Act. These amendments support the more substantial provisions inserted into the Legal Profession Act to deal with federal diversity jurisdiction.

Clause 4 amends section 450 of the Legal Profession Act to enable the board to apply to the disciplinary tribunal to hear and determine any matter that the board considers is capable of amounting to either unsatisfactory professional conduct or professional misconduct, or both.

Under the current provisions, the board is unable to make an application where the matter is considered capable of amounting to unsatisfactory professional conduct alone.

Clause 5 amends section 457 of the Legal Profession Act so that the notice requirements in that section will include a decision made by the board pursuant to the new section 464A(2)(a) which I will outline shortly. Clause 6 also serves to capture a decision of the board made under the new section 464A(2)(a). It ensures that, where the board dismisses a complaint pursuant to that section, an application can be made under section 458(1) of the Legal Profession Act to have the matter determined by the disciplinary tribunal or the Supreme Court.

Under the current provisions in section 462 of the Legal Profession Act, the board is only required to notify an Australian practitioner of a complaint about them where that complaint has been received by the board. This would not extend to circumstances where the board itself makes the complaint. Clause 7 amends section 462 of the Legal Profession Act to address this, ensuring a legal practitioner is always notified when a complaint is made, regardless of how the complaint is initiated.

Clause 8 of the bill inserts a new section 464A into the Legal Profession Act providing a mechanism for dealing with matters involving federal diversity jurisdiction. Subsections (1), (2) and (3) set out the process applying to complaints that have been made to the board, while subsections (4) to (7), deal with applications that come before the disciplinary tribunal. Where a complaint has been made to the board, and the board considers that the matter is capable of amounting to unsatisfactory professional conduct, sub-section 1 provides for the board to also consider whether it may not have jurisdiction to determine the matter because it involves the exercise of federal diversity jurisdiction.

Under subsection (2), if the board considers there is some doubt about whether it has jurisdiction, it may exercise its discretion to dismiss the complaint. The board must dismiss the complaint if it considers that it does not have jurisdiction to make a determination. If the board dismisses the complaint and an application is not made within 21 days for the disciplinary tribunal or the Supreme Court to determine the matter, pursuant to section 458(1) of the Legal Profession Act, the board then has 60 days within which it may, of its own motion, make a complaint in relation to the matter and apply for the disciplinary tribunal to hear and determine the complaint.

Subsection (3) of the new section 464A provides that the board's complaint is taken to have been made at the time that the original complaint, in relation to the matter, was made to the board. This means that the lapse in time, since the original complaint was made, will not trigger the time limits for dealing with a complaint contained within section 428 of the Legal Profession Act. Where an application is made to the disciplinary tribunal, under section 458 or section 464 of the Legal Profession Act, subsection (4) of the new section 464A provides for the disciplinary tribunal to consider whether it has jurisdiction to determine the matter.

Mr Speaker, comparable to the provisions relating to the board, under subsection (5), the disciplinary tribunal may exercise its discretion to dismiss the complaint if it considers there is some doubt about whether it has jurisdiction to make a determination, and it must dismiss the complaint if it considers that it does not have jurisdiction due to the matter involving the exercise of federal diversity jurisdiction. If the disciplinary tribunal dismisses the complaint, subsection (6) provides that the written notice of the decision issued pursuant to section 482 of the Legal Profession Act must also state that an application may be made to the Supreme Court

under section 486 of the Legal Profession Act, to hear and determine a complaint in relation to the matter to which the dismissed complaint related.

Where an application is made to the Supreme Court in accordance with section 486 of the Legal Profession Act, subsection (7) of the new section 464A specifies the day on which the complaint is taken to have been made. This subsection serves a similar purpose to subsection (3), to ensure that the time limitations within section 428 of the Legal Profession Act are not activated by the delay between the original complaint being made and an application being made to the Supreme Court.

Targeted consultation was undertaken with the legal profession on a draft version of this bill and I sincerely thank those stakeholders who provided their views and comments in response to the draft bill. The High Court's decision in Burns v Corbett has had significant ramifications for state tribunals across Australia. I am pleased that this bill will address these issues in relation to the functions of the Legal Profession Board of Tasmania and the disciplinary tribunal, ensuring there is an appropriate pathway for resolving matters that may involve federal diversity jurisdiction.

Our Government continues to ensure that our legislation remains contemporary and fit-for-purpose. This bill provides and appropriate response to the decision in Burns v Corbett and ensures that our legal profession bodies remain appropriately empowered to resolve complaints.

Mr Speaker, I commend the bill to the House.

[2.44 p.m.]

Ms HADDAD (Clark) - Mr Speaker, I am pleased to make a contribution this afternoon to the Legal Profession Amendment Bill 2022, and indicate that the Opposition will support the bill. I start by thanking, through the Attorney-General, her office and department for the briefing I received a few days ago from David, Peter, Bruce and Christie who were able to talk me through that Burns v Corbett decision and the effect it has had on Tasmania and the reason for the changes in this bill being required.

As we heard from the Attorney-General, the bill deals with the issues that were covered in the case of Burns v Corbett in the High Court and they were the issues surrounding federal diversity jurisdiction. In other words, the constitution sets out the powers that each level of government and each level of the courts have. It is very explicit in when courts and tribunals can hear matters that involve citizens of different states or matters between different states and makes it clear that there are limitations on which judicial bodies can hear such complaints.

In a case note in the *Sydney Law Review* from 2020, federal diversity jurisdiction was described this way by the author Helen Christodoulou who said that federal judiciary is established under Chapter 3 of the Australian Constitution and the judiciary is empowered to exercise federal jurisdiction, a distinctive jurisdiction comprised of only nine subject matters, outlined in section 75 and 76. Both federal matters refer to particular claims, parties or a combination of both and together comprise the entire scope of the federal jurisdiction.

Section 76(1) for example, refers to matters arising under constitution law; section 76(2) refers to matters arising under any laws made by the parliament; and section 75(3) refers to matters in which the Commonwealth is a party.

Significantly, section 77 empowers the Commonwealth Parliament to vest federal jurisdiction in the High Court, Federal Court and State Courts subject to certain constraints relevant for the purposes of the case, Burns v Corbett. Section 77 provides that with respect to any of the matters mentioned in sections 75 and 76, the parliament may make laws defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the state and section 77(3) invest any court or state with federal jurisdiction.

Section 77(2) recognises that at the time of federation, jurisdiction over several of the matters listed in sections 75 and 76 of the constitution was exercisable by the courts of the former colonies which has now become the states. The effect is to give the Commonwealth Parliament the power to override such a jurisdiction, ensuring that only federal courts or state courts vested with federal jurisdiction could exercise jurisdiction over federal matters.

He goes on to explain that, despite the technicality of provisions enabling state courts to exercise federal jurisdiction, the simultaneous exclusions and reinvestment of jurisdiction has meant that the practical impact has historically been minimal for state courts. The formalism of chapter 3 does however, become problematic in the application for state tribunals as can be seen from the provisions that he has spoken about that I have quoted.

Section 77(2) empowers the Commonwealth Parliament to make federal jurisdiction exclusive of jurisdictions it belongs to or is invested in the courts of the states and it does not specifically address the position of state tribunals. On a strict textural reading therefore, section 77(2) would not appear to empower the Commonwealth Parliament to restrict the jurisdiction of state tribunals. Furthermore, section 77(3) only empowers the parliament to vest courts of a state with federal jurisdiction. The federal parliament also appears to lack the legislative authority to vest this jurisdiction in non-court tribunals.

An outcome of such a strict textural reading, therefore, would be that state legislatures could continue to vest state tribunals with state jurisdiction to hear federal matters, and the Commonwealth legislature would be powerless to preclude this either by direct exclusion under section 77(2) or by inconsistency under sections 77(3) and 109.

While a number of lower courts have resolved this issue negatively, Burns and Corbett represented the first occasion on which the High Court had authoritatively determined the matter. As we heard from the Attorney-General, this had wide-reaching ramifications for tribunals around the country. Interestingly, the decision of Burns and Corbett was made before TASCAT was established. Most other states and territories had an equivalent of a super-tribunal in operation. That meant those states needed to make significant changes to their legislation to overcome the issues canvassed in Burns and Corbett, which established that there is an implied limitation in the constitution that prevents state parliaments from investing state non-court tribunals with judicial powers over matters identified in sections 75 and 76 of the constitution.

The case that made its way to the High Court, Burns and Corbett, was a dispute between a resident of New South Wales, who had made claims under the Anti-Discrimination Act of New South Wales to the Anti-Discrimination Board of New South Wales regarding certain comments made by Corbett, who was a resident of Victoria, and another person who was a resident of Queensland. Those proceedings were referred to the Administrative Decisions Tribunal of New South Wales, which has since been superseded by the New South Wales Civil

and Administrative Tribunal, which is similar to the TASCAT. In both those proceedings, an issue as to jurisdiction emerged, namely whether the New South Wales Civil and Administrative Tribunal had jurisdiction to hear and determine a dispute under the Anti-Discrimination Act between a resident of New South Wales and a resident of another state. The basis for that challenge was that it engaged diversity jurisdiction of the Australian Constitution because it was a matter between residents of different states.

In the earlier decisions, neither party had challenged the assumption that NCAT was not a court or was exercising judicial power in determining the complaint. The following constitutional issue was raised, which was state legislation that empowered the tribunal to hear and determine a federal matter invalid or inoperative to the extent that it purported to do so.

In some ways, it was fortuitous for Tasmania and for the work that the Attorney-General has done in establishing TASCAT, that the decision in Burns and Corbett preceded the establishment of TASCAT. It meant that the tribunal could be established without this problem arising in TASCAT, the problem of federal diversity of jurisdiction. No doubt, the minister's department then had to look at laws and tribunals that did not form part of TASCAT, or had not yet formed part of TASCAT, to see whether or not the problems arising in Burns and Corbett would have any effect here and indeed, they do, on the Legal Profession Board and Legal Profession Tribunal. That is the reason for this amending bill today.

When the decision of Burns and Corbett was handed down, states needed to decide how they were going to deal with those issues. Different states have taken different approaches. Some of the options for reform considered around the country were: reconstituting state tribunals as courts or hybrid bodies capable of investment with federal jurisdiction; to establish reference provisions for federal matters to be heard in state courts; or to remove court registration provisions for tribunal orders made in federal matters such that those orders would not constitute an exercise of judicial power.

It is important that tribunals and boards can continue to operate within their constitutional constraints but also in the spirit of how tribunals are intended to operate and were intended to operate at the very beginning, when boards and tribunals were starting to be established around the country. That is that they are not courts and not intended to operate as courts. Even though sometimes the proceedings in tribunals and boards can feel quite formal, the intention nationally at the time was that they should be much more accessible to members of the public, that people should not necessarily need legal representation, although often you can and do have legal representation. However, the idea, at the very beginning of the establishment of lots of boards and tribunals around the country, was that they should be able to resolve disputes in a less formal way; for parties to be able to potentially represent themselves; that it would be faster and less financially onerous as well to be able to resolve disputes and more flexible in terms of procedures. Of course, tribunals are not bound by the same rules of evidence that courts are bound by.

The ethos and intention of tribunals and boards is that they should be a dispute resolution mechanism that is quite accessible and approachable for members of the public. That might not always be the case in a person's experience but that was the intention of boards and tribunals' establishment many years ago.

As I said, the Government was not faced with having to make changes to the way TASCAT could operate because of Burns and Corbett but they were faced with needing to

change the way the Legal Profession Board and Tribunal operate as a result of that federal diversity jurisdiction, anticipating that people do not always seek legal advice from people who are practising in the same state they live in. It would not be uncommon for somebody to want to make a complaint to the Legal Profession Board of Tasmania when they live in another state or territory but have been represented by a legal practitioner who lives, operates and is registered to practise in Tasmania. That would enliven those issues raised in Burns and Corbett as the board does not technically have jurisdiction to hear that complaint.

As we heard the Attorney-General explain, the way it will now be handled is that when complaints are being heard by the Legal Profession Board, the board will be able to dismiss the original complaint for want of jurisdiction. They will be able to investigate it but identify that they do not have the jurisdiction to make a decision. They will be obliged to dismiss that complaint. Then they can, themselves, make a fresh complaint for the same conduct. They can make that complaint to the tribunal to hear and determine the matter. Then, for complaints being heard by the tribunal, the amendments in this bill will enable the tribunal to dismiss the complaint because they do not have jurisdiction to hear it for the same reason. An application can then be made for the complaint to be heard and determined by the Supreme Court, which already has jurisdiction to hear federal diversity matters.

The way the minister has gone about remedying this problem should be satisfactory and mean that people still have their complaints heard and dealt with. I have a couple of questions. It might just be me not having a good handle on how matters are currently heard, so forgive me if the questions sound a bit like that.

First of all, I know that if the board is faced with a federal diversity matter and, therefore, can investigate but cannot make a decision, they must dismiss the complaint. Then they have the ability to make an own motion complaint to the tribunal.

In the second reading speech, Ms Archer, you explained that if the board dismisses the complaint and an application is not made within 21 days for the tribunal or the Supreme Court to determine the matter, the board then has 60 days within which it may, of its own motion make that complaint in relation to the matter and apply to the tribunal to hear the complaint. With that first-time limit, the 21 days, who would be making that further complaint to the tribunal or Supreme Court? Would it be the original applicant or someone else? Does that make sense?

I have been mulling over this and I cannot work out a way to articulate the question very well, but basically there is a time frame of 21 days after the board has dismissed the complaint where a new complaint can be made either to the tribunal or the court. I wondered is that the original applicant making that complaint? If it is and they make it to the tribunal, then would the diversity jurisdiction problem arise a second time for that complainant?

My second question around that process now, where the board will make its own-motion complaint effectively on behalf of that original complainant, is what happens if they do not? I do not mean to sound cynical, because I am sure everybody working in the system is of high moral standards, but could the scenario emerge where the board receives a complaint, has to dismiss it because of federal diversity jurisdiction matters and then refuses to make that own-motion complaint to the tribunal? Is it anticipated that that circumstance could occur or would it be your expectation and the expectation of the Government that this process will be routinely followed?

When the tribunal dismisses a complaint, written notice then has to be given that states an application can now be made to the Supreme Court to hear and determine the complaint in relation to the matter which was dismissed. Who is the applicant in that scenario? Is it still the original complainant who would be given that notice that their complaint has been dismissed for want of jurisdiction but they now have the capacity to appeal to the Supreme Court? Is that the original applicant or is that the board making that new and fresh application?

I had some other questions that were answered in the briefing, so thank you again, minister, for arranging that briefing soon after the bill was tabled.

My only other question is whether there are any other boards and tribunals that sit outside TASCAT that could be similarly affected by the decision in Burns v Corbett, and also whether it is your anticipation that either the Legal Profession Board or tribunal might end up as part of TASCAT in the future. My final question is whether there were any changes made to the bill after your targeted consultation, recognising that there was consultation with the profession before this bill reaches this place.

For a very procedural bill, I feel I have asked a lot of questions but hopefully they made a bit of sense. It was really interesting having a bit of a journey down this history of what the decisions in Burns v Corbett meant, not just for the Legal Profession Board and tribunal here but for other tribunals around the country and the different ways in which states have overcome that matter.

It is not every day that the Tasmanian parliament gets to deal with federal constitutional matters so it was interesting to learn a lot more about that through this bill. I look forward to the minister's answers in her summing-up to those questions around people's rights and expectations about having those matters dealt with when they cannot be heard by the board and tribunal, recognising that often when people are making complaints to the Legal Profession Board or tribunal, they are feeling very aggrieved and very much like they should have the right to have their matters heard and dealt with so they can seek the remedies they are seeking, or seek the resolution they might be looking for, as a result of a dispute with a legal practitioner in this state.

With those comments, I will take my seat and indicate that we will be supporting the bill.

[3.05 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I can also indicate that the Greens will be supporting this amendment bill to the Legal Profession Act. It is to clarify and provide national consistency for redress on matters of complaints about lawyers where currently, as the minister has outlined, as a result of the Burns v Corbett decision by the High Court, it might otherwise have to be dismissed if a person from one state makes a complaint about, in this instance, a Tasmanian lawyer.

That case, Burns v Corbett, made it very clear that federal diversity jurisdiction can only be exercised by a state court in which the Commonwealth has its judicial power vested, which in Tasmania are the Supreme and Magistrates courts but not the tribunal and board, as we have heard.

This has led to an obviously intolerable situation for people who may want or need to take a complaint to seek justice on a matter where both the Legal Profession Board and the

disciplinary tribunal cannot lawfully exercise judicial power and make a decision in relation to that circumstance and it would be required to be dismissed. I cannot imagine what it would be like if I was trying to seek justice, and I assume it is the case that there is no other link - that is it, the end of the road.

Ms Archer - No, that case has basically been sitting there for quite some time. Not many, but -

Dr WOODRUFF - I do not know if you are aware of any, or the numbers, and whether as a result of this that they could go back and either be picked up or recommenced from the beginning. It is important.

I was not aware, and I guess most people were not aware, that the original jurisdiction of those powers stands with the High Court and it is only the High Court that can exercise its jurisdiction through the court of the state that is vested with that federal jurisdiction. What it will mean now is that it resolves this federal jurisdiction issue of people who are from different states, a lawyer in one state and a complainant in another state, and it provides some consistency with the existing framework for complaints to be made against the legal profession, within the legal profession, and the disciplinary framework that follows from that.

I did not have any other questions about that except on the matter of the complaints. The complaints can be not just from a person who has employed, or taken a lawyer for a case, but it could also be from a member of the profession about another member of the profession. Presumably, the Legal Profession Board also hears complaints from members of the profession of each other, or about each other's behaviour. It is not just from the clients of lawyers. There are also complaints from one member of the profession against another member, and I wonder if the minister is aware of any situations where it is not just from clients, but it is also from members of the profession to each other.

That is all I need to say on this matter, except to reinstate that the Greens very strongly stand up for a powerful democracy which rests in the separation of powers between the state and the justice system. Finding the solution to this problem is fantastic because it means that there is clarity and, for a country as geographically large but as small in population as we are, it is very important to have national consistency on this. It is certainly one law which is important to have harmonised national laws around. It is not appropriate everywhere, but in this instance, it is definitely appropriate.

[3.12 p.m.]

Mrs ALEXANDER (Bass) **-** Mr Deputy Speaker, this bill amends the Legal Profession Act 2007 to address an important issue arising out of the High Court's decision in Burns v Corbett which the Attorney-General has referred to previously. This has had significant consequences for Tasmania's boards and tribunals. The Attorney-General has provided an overview of the issue arising from Burns v Corbett which dealt with an important constitutional question. The case arose from circumstances where in 2013 and 2014, a Mr Burns made two complaints to the Anti-Discrimination Board of New South Wales. The complaint was about statements made by a Ms Corbett and a Mr Gaynor, which Mr Burns claimed were public acts which vilified homosexuals. The three people involved in the case resided in different states: Mr Burns lived in New South Wales, Ms Corbett in Victoria, and Mr Gaynor lived in Queensland.

The complaints eventually made their way to the Civil Administrative Tribunal of New South Wales (NCAT), which is essentially the New South Wales equivalent of our recently established Tasmanian Civil and Administrative Tribunal (TASCAT). As the Attorney-General said, our Government addressed the issues arising from Burns v Corbett last year, through legislation enabling its commencement. Ultimately, after a number of appeals the matter of Mr Burns' complaints ended up before the High Court to consider whether NCAT had jurisdiction to determine Mr Burns' complaints when the other parties lived in different states, which was an interesting point.

The question for the High Court related to the effect of a number of sections of the Commonwealth of Australia Constitution Act. Section 71 of the constitution vests the judicial powers of the Commonwealth in the High Court of Australia and other federal courts. This is called federal jurisdiction. Sections 75 and 76 of our constitution sets out the subject matter that falls within federal jurisdiction, and this is where - importantly for Burns v Corbett and for this bill - section 75(4) of the Constitution provides that federal jurisdiction includes all matters 'between states, or between residents of different states, or between a state, and a resident of another state.' This specific aspect of federal jurisdiction is what is commonly referred to as federal diversity jurisdiction and that is again important to highlight.

Section 77 of the Constitution allows the federal parliament to invest state courts with federal jurisdiction and soon after federation, the federal parliament did just that. The Federal Judiciary Act 1903 invested the courts of the states with federal jurisdiction including federal diversity jurisdiction. In Tasmania, that means that a Supreme Court and a Magistrates Court are able to exercise federal diversity jurisdiction. That is, they are actually able to exercise judicial power to determine matters between states, between residents of different states or between a state and a resident of another state.

All courts necessarily exercise judicial power. Due to the separation of powers set out in the constitution, a statutory tribunal created by the federal government cannot exercise what is called judicial power, but only administrative power. State tribunals however, can and have often done just that; exercise a mix of administrative power and judicial power.

An important issue in Burns v Corbett was that NCAT is not a court but rather an administrative tribunal exercising judicial power. The High Court, in Burns v Corbett, found that NCAT was exercising judicial power in determining Mr Burns' complaints because NCAP was determining a matter between residents of different states and exercising judicial power. The determination of the matter by NCAT would be, in effect, an exercise of federal jurisdiction which it could not do because it was not a court.

The decision in Burns v Corbett is applicable to all state tribunals that exercise judicial power and that includes the Legal Profession Board of Tasmania and the Disciplinary Tribunal and is the reason that the amendments provided for in this bill are necessary to provide that clarity and that clear-cut direction to avoid confusion in any other similar cases that could arise. The courts have not provided a precise definition of judicial power but it is clear that the board and the tribunal exercise judicial power in determining complaints under the Legal Profession Act 2007 and as such the board and the tribunal are precluded from determining complaints against legal practitioners where the parties live in different states.

It is important to observe however, that the issue of federal jurisdiction relates to the determination of a matter by the board or the tribunal. It does not prevent the board from

exercising its investigation powers under the Legal Professional Act. Given that Tasmania's legal profession operates within a national legal services market, it is not uncommon that legal practitioners and their clients are based in different states. After COVID-19, we have found people operating from various different places of Australia and coming together in delivering business.

This bill will provide a mechanism to ensure that such complaints can be dealt with within Tasmania's statutory framework. The bill does this by providing for two substantive changes to the act, creating a pathway for complaints to proceed under the existing framework where the board or the tribunal considers that federal diversity jurisdiction applies or there is some doubt as to its application in proceedings.

For complaints being heard by the board, the amendments will enable the board to dismiss the original complaint and then make a fresh complaint itself in relation to the conduct. The board can then apply to the tribunal to hear and determine the matter; that is, the board will then be the sole party on one side of the proceedings and the practitioners on the other side. This will avoid the issue of federal diversity jurisdiction because the board will take over the role of the complainant meaning that the matter is no longer between two people who live in two different states.

For complaints being heard by the tribunal, the amendments will enable the tribunal to dismiss the complaint. An application can then be made for the complaint to be heard and determined by the Supreme Court which, as has been previously outlined, has jurisdiction in relation to matters involving federal diversity jurisdiction. The bill also makes a small number of other amendments to support the above changes.

As the Attorney-General said, the amendments in this bill are designed to resolve this federal jurisdiction issue while preserving at the same time, to the greatest extent possible, the existing legal profession complaints and disciplinary framework which is crucial.

I thank the Attorney-General for bringing forward this important legislation.

[3.20 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I thank all members for their considered contributions this afternoon. I know it is a very technical and dry legislation we have to deal with on occasions, but no less important because it has finally dealt with an issue that has been lingering for some time, as members have acknowledged. The creation of TASCAT has certainly solved the issue in terms of those first nine boards and tribunals that have been enveloped by the TASCAT and have become the TASCAT streams, more to the point. It has left us with this issue in relation to our Legal Profession Board and disciplinary tribunal.

I will now address the questions. Ms Haddad asked who would make a complaint within the 21-day period of the board dismissing it. The applicant would be the original complainant applying to the tribunal or the Supreme Court to hear the matter. If that complainant does not make such an application within 21 days then the board can make its own motion application within that 60-day period.

Ms Haddad went on to ask whether the board can choose to dismiss a complaint and then decline to make a complaint to the tribunal of its own motion; and, if so, what options are

available to the complainant to pursue the matter further? Section 433 of the Legal Profession Act sets out the circumstances in which the board must dismiss a complaint, for example, where the board is of the opinion that the complaint is vexatious, perceived frivolous or lacking in substance. However, that section also sets out the circumstances where the board has the discretion to dismiss a complaint. This includes where further information is not given, or the complaint or further information is not verified, as required by the board under section 429 of the act; or the board forms the view that the complaint requires no further investigation, which is probably the most common, I imagine or the board is satisfied it is not in the public interest to deal with the complaint. Again, probably a more general common example.

If the board dismisses a complaint, section 458 of the act provides for the complainant, or the Australian legal practitioner who is the subject of the complaint, to apply to the tribunal or the Supreme Court to have the matter determined. As I said in the second-reading speech, clause 6 of the bill amends section 458 to ensure that this includes circumstances where the board dismisses a complaint under the proposed new section 464A 2(a).

Ms Haddad also asked when the tribunal dismisses a complaint within that notice period, then -

Ms Haddad - That was the same question around who is the applicant if the tribunal dismisses.

Ms ARCHER - who is the applicant in the scenario where the original complainant does not? If the tribunal finds want of jurisdiction, notice is given under section 482 of the act to the complainant, the practitioner of the board and the prescribed authority. An application can then be made under section 486 by any person for the Supreme Court to hear the matter. It would usually be the complainant who would make that application.

There was a question whether there were any other boards or tribunals affected. There are no other boards or tribunals in Tasmania that regularly exercise judicial power that may involve federal diversity jurisdiction, which is good.

Ms Haddad also asked what changes were made in response to the targeted consultation we undertook. I want to say who that targeted consultation was. It was with the Supreme Court, the Magistrates Court, the Law Society of Tasmania, the Tasmanian Bar Association, the Legal Profession Board and the disciplinary tribunal - those most impacted by this act and the provisions. The submissions from both the Legal Profession Board and the disciplinary tribunal were broadly supportive of the policy intent of the proposed amendments. The submissions raised some queries in relation to technical aspects of clauses in the draft bill and made suggestions as to possible alternative drafting. For example, whether some of the proposed new provisions should be incorporated within existing sections of the act or whether a new section should be inserted into the act to include those provisions.

My department discussed the submissions with Chief Parliamentary Counsel and the Solicitor-General. The feedback from the board and tribunal has informed the approach to drafting the final bill. No submissions were received that did not support the policy intent of the proposed amendment. There was some tweaking. I received advice from the Legal Profession Board and the disciplinary tribunal at various stages so I would like to take the opportunity to thank them for their attention to that. Obviously, it is in their interest for this to be remedied in a way that ensures that no further issues arise in this jurisdictional matter.

Dr Woodruff asked about the numbers on this: how many complaints involved federal diversity jurisdiction? The Legal Profession Board has estimated that around 18 per cent of complaints it receives, or approximately 20 matters each year, are affected by federal diversity jurisdiction, with the precise number varying from year to year. Not all such complaints are unable to be dealt with, as conduct capable of amounting to professional misconduct may be dealt with in the Supreme Court, which is able to exercise the federal diversity jurisdiction. When it is is unprofessional conduct alone, that currently cannot be dealt with.

You then touched on whether complaints could be reactivated. Currently, section 428 of the act provides that a complaint may be made about conduct of an Australian legal practitioner irrespective of when the conduct was alleged to have occurred. However, subsection (2) clarifies that a complaint cannot be dealt with, otherwise than to dismiss it, if the complaint is made more than three years after the conduct was alleged to have occurred and so, there is that time limitation.

However, there is an 'unless', an exception: unless the board determines that it is just and fair to deal with the complaint having regard to the delay and the reasons for the delay, and the complaint is capable of amounting to an allegation of professional misconduct - so, the more serious of the two - and it is in the public interest to deal with the complaint. There is a discretion to extend beyond that three-year period. The board could, therefore, exercise its discretion to enable a complaint to be heard outside that three-year limit.

Dr Woodruff - Does that indicate the possibility of a very large increase in the number of complaints that might come back to the board - 20 a year, I do not know how far back the board might consider, if there were quite egregious complaints. It might be that there is.

Ms ARCHER - We are not expecting it because, in circumstances, certainly in my experience a lot of the time, both those types of conduct are looked at. When the professional misconduct is being looked at, that triggers the jurisdiction in any event. It is only, as I said, when the lesser of the two is alleged alone that this situation arises, so we are not expecting to receive a huge influx. Having said that, you never know.

With that, as always, I thank my department. They have worked exceptionally hard this year as I tabled the annual report for the Department of Justice. From the period we looked at there were 15 bills that had been completed and heard already. We still have others that we are tabling or yet to debate. I am not quite sure what the total number is this year but I know it is double what we did last year, and arguably with a very stretched team because of the commission of inquiry and other matters that I know my department has been dealing with.

I thank the secretary, Ginna Webster, all the way through to our deputy secretaries to our SLP, and the staff in my office, who are obviously not part of the department, but I draw on staff from the department who come over and get experience in my office and for that I am very grateful. As always, I thank Robyn Webb for heading up what is the fantastic Office of Parliamentary Counsel. With that, I commend the bill to the House.

Bill read the second time.

Bill read the third time.

MOTION

Nature Conservation Act 2002 - Draft Proclamations to Reserve Future Potential Production Forest

[3.32 p.m.]

Mr JAENSCH (Braddon - Minister for Parks) - Mr Deputy Speaker, I am advised that there is a very minor typographical error to be fixed in the text of the motion that was tabled and that I believe has been circulated. I am advised by the Clerk that I should read the motion in in its entirety for completeness.

Mr Deputy Speaker, I move -

That the House -

(1) Approves pursuant to section 18 of the Nature Conservation Act 2002 the draft proclamations tabled on 26 October 2022, made pursuant to section 11(2) of the act, to reserve Future Potential Production Forest (FPPF) land in the Tasmanian Wilderness World Heritage Area that is Crown land.

(2 Recognises that these proclamations:

(a) are being undertaken as a result of a process that began in 2011, where areas of Crown land adjacent to and outside of the then TWWHA boundary were identified for reservation and subsequently, as a result of a determination by the Australian Government in 2013, that the TWWHA boundary should be expanded to include these parcels of land;

(b) demonstrates through the reservation of these FPPF land parcels a delivery towards key recommendation 11, as outlined in the 2015 International Union for Conservation of Nature International Council on Monuments and Sites Reactive Monitoring Mission Report;

(c) delivers on a commitment made by the state party (being the Australian Government) to the World Heritage Committee that this land will be reserved and, importantly, once approved by both Houses, is reported to the WHC as complete; and

(d) ensures that the FPPF land once reserved under the Nature Conservation Act 2002 will result in the Nature Conservation Act NPRMA and Tasmanian Wilderness World Heritage Area Management Plan 2016 having statutory effect over the land.

That is the motion and I will now speak to it.

The purpose of the current statutory rules process before parliament is to reserve future potential production forest land, FPPFL, within the Tasmanian Wilderness World Heritage Area as formal reserves under the Nature Conservation Act 2002. These statutory rules were tabled in parliament by the previous Minister for Parks, the Honourable Jacquie Petrusma, on 2 June 2022. Since that time, further advice has been received that an affirmative notice of motion is required to seek approval from both Houses in accordance with section 18 of the Nature Conservation Act. In addition, for the purposes of removing all doubt following the last proroguing of parliament, the statutory rules were reintroduced yesterday as part of the new session.

These proclamations are a significant and important body of work. The land, totalling approximately 25 400 hectares, has been evaluated for its natural and other values to be added to the formal reserve network and importantly ensures that the Tasmanian Wilderness World Heritage Area Management Plan 2016, the Nature Conservation Act 2002 and the National Parks and Reserves Management Act 2002 have statutory effect over these areas.

As the House would be aware, this current process began as a result of outcomes from the 2011 Tasmanian Forest Agreement, where areas of crown land adjacent to and outside of the then Tasmanian Wilderness World Heritage Area boundary were identified for reservation. The subsequent decision of the Australian Government in 2013 was that the Tasmanian Wilderness World Heritage Area boundary should be expanded to include these parcels of land.

While recommendation 11 of the 2015 Reactive Monitoring Mission to the Tasmanian Wilderness World Heritage Area requested that FPPFL be granted status of national park, a subsequent decision of the World Heritage Committee in 2021 advised that the FPPFL should be designated as reserves.

In June 2021 the World Heritage Committee reiterated its request to the state party, being the Australian Government, that the process to declare these areas as reserves within the Tasmanian Wilderness World Heritage Area be finalised as a matter of priority. We are delivering on this commitment following a public consultation process that was undertaken between February and April 2021. This process was timed to ensure that the previous COVID-19 restrictions did not impact the opportunity for people to visit these lands in person during the consultation period should they wish to do so.

The Department of Natural Resources and Environment Tasmania has undertaken extensive scientific evaluation of the FPPFL and these evaluations are publicly available on the department's website. These investigations indicated that while the FPPFL is predominantly in a natural state, many of these parcels of land also display evidence of past land use practices such as selective timber harvesting that predate the World Heritage listing. For this reason, these areas more closely aligned with the values are prescribed for conservation areas and regional reserves rather than national parks status, in accordance with Schedule 1 of the Nature Conservation Act 2002. In addition, by attaching these land parcels to adjoining conservation areas and regional reserves, the current objectives and land use enjoyed by many within these existing reserve classes remains the same.

The current Mole Creek Karst National Park consists of 12 separate blocks of land that were established to protect an internationally significant karst system containing an extensive landscape of caves, sinkholes, gorges, streams and springs. The scientific evaluation of approximately 2850 hectares of FPPFL adjacent to the existing Mole Creek Karst National

Park identified that these areas play a crucial role in protecting the unique and world-renowned caves at Mole Creek, as well as having significant values themselves and clearly meeting the criteria for a national park as prescribed in the Nature Conservation Act 2002.

The proclamations before both Houses will deliver an important expansion of the Mole Creek Karst National Park.

This Government values the commitment that was made to the World Heritage Committee and the work of the department to deliver this important body of work. We will continue to deliver on our commitments, not only to the World Heritage Committee but also to this globally significant landscape for current and future generations.

The statutory rules tabled in both Houses of parliament seek to put this priority and commitment into effect. I note and acknowledge the conversations the Government has had with Tasmanian Aboriginal organisations including the Aboriginal Land Council of Tasmania with regard to the establishment of a kooparoona niara Aboriginal National Park. There is a range of views as to what such a national park might be and how it would be managed. The Government is committed to ensuring that all voices have the opportunity to be heard as we further explore these concepts.

It is important to note here that the proclamations before parliament and the return of land to Tasmanian Aboriginal people are distinctly separate matters. The process of land return to Tasmanian Aboriginal people is achieved through a separate mechanism. The Future Potential Production Forest Land (FPPFL) within the Tasmanian Wilderness World Heritage Area is currently unreserved public land, subject to the Forestry (Rebuilding the Forestry Industry) Act 2014. In accordance with section 4(8) of the act, the managing entity cannot sell, transfer or convey this land to any other person.

This is a point of law, not a matter of policy. The current process for proclamations of the FPPFL in the TWWHA does not preclude any future land return or joint land management with Tasmanian Aboriginal people and would be a necessary step to be undertaken before any such arrangements could be put in place. In order for any other management arrangements for this land to apply, such as return to Tasmanian Aboriginal people, this land must first be reserved under the Nature Conservation Act 2002 which is what this motion seeks to achieve.

Another important fact for consideration is that the Tasmanian Wilderness World Heritage Area management plan is formulated under the National Parks and Reserves Management Act 2002 and is a statutory management plan that applies to reserved land within the Tasmanian Wilderness World Heritage Area. As the FPPFL within the Tasmanian Wilderness World Heritage Area is unreserved public land, it is primarily managed through the Tasmanian Wilderness World Heritage Area strategic management statement.

In order for the Tasmanian Wilderness World Heritage Area management plan to have statutory effect over the FPPF land, it must first be reserved through this current proclamation process. This process will deliver reservation under the Nature Conservation Act 2002. To be clear, this is not a new land lock-up. The land is already within the Tasmanian Wilderness World Heritage Area. The Tasmanian Wilderness World Heritage boundary will not change as a result of these proclamations and to put it simply, this is a parliamentary process that must be undertaken in order to deliver on Tasmania's commitments, and reserve this land in the Tasmanian Wilderness World Heritage Area under the Nature Conservation Act 2002.

I look forward to both Houses of our parliament being on the record as supporting the proclamation process and delivering on this longstanding and important commitment that has been made to the World Heritage Committee and more broadly that supports the effective management and protection of the globally significant landscape that is the Tasmanian Wilderness World Heritage Area.

[3.44 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I rise in support of the motion that has been moved by the minister just now, and express our support for the work that has been undertaken and commenced some time ago before this parliament to see this occur. I suppose, like many of us, we are a little bit frustrated at the processes followed by the Government to get to this point, and I think this is the very last day to deal with this matter, to meet your time frames, or I might have the wrong advice there, but it does need to be dealt with quickly after the regulations were tabled in the parliament earlier this year by the former minister Petrusma.

I am not sure what advice the Government relied upon at that time, but obviously it has needed to make a change to bring the matter back to us to deal with today, and even then it is an amendment from the motion that was moved earlier on the 17th. After all this time, it is a bit frustrating the Government has not been able to get the details quite right yet, and a little bit like a lot of the reviews that are happening within this minister's portfolio, there does not seem to be any timeline for conclusion. One of those things is the review of the land handbacks model, which has been under review for a number of years with no conclusion yet, and no timeline detailed in the answer provided by the Premier when he spoke in parliament today for when we can expect that to happen. That is causing incredible frustration to many Tasmanians, but most particularly Tasmanian Aboriginal people who want to the Government to come good on their commitment to hand land back.

The minister has addressed the details of the motion in his contribution after he read it into the House. I know there is an amendment that will be moved by the member for Clark, Ms O'Connor, through her contribution. When that happens we will make a further contribution at that time. With respect to what is before the chair currently, I can indicate our support. It is a requirement under an international obligation that has to be fulfilled by this parliament. I was unaware of the seven-year lag, but I will accept the advice of Ms O'Connor, and if that is the case then that is even more disappointing. I will wait for the amendment before I make any further contributions on this matter.

[3.48 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, less than 1 per cent of the land that was taken from Aboriginal Tasmanian people with the arrival of the English has been returned to them. We have not returned any of the land that was taken from the palawa/pakana people since 2005. It has been 17 years since any land was handed back.

In last year's state of the state address the former premier, Peter Gutwein, spoke in what we believed - and I think Aboriginal people believed - was a very genuine way where he called for Aboriginal people to put forward land claims. In good faith, the Aboriginal Land Council of Tasmania put forward a claim in March last year for a kooparoona niara national park. The letter was respectful and thoughtful but it made it really clear that this land is in fact Aboriginal land and it should be returned. That letter was not acknowledged for more than a year. The claim by the Aboriginal Land Council of Tasmania was not acknowledged by the premier then.

It was not acknowledged by his successor. I understand it was belatedly acknowledged in correspondence by the minister for Aboriginal Affairs.

The whole process in relation to this proclamation has been disrespectful: disrespectful of Tasmanian Aboriginal people and disrespectful of the Aboriginal Land Council. The first thing that happened, seven years after UNESCO requested that the Tasmanian Forest Agreement reserves inside the Tasmanian Wilderness World Heritage Area receive national park status, was that we had two proclamations tabled in this place that change the tenure of those parcels of Tasmanian Forest Agreement Crown lands to mostly conservation areas and regional reserves. Thus, of the total hectarage of about 26 500 hectares that is covered by those two proclamations, only 2850 hectares are actual national park.

This minister knows that UNESCO had requested that the state party, that is the Australian Government, represented by the Tasmanian Government in legal terms, include those TFA areas in the TWWHA as national park. The Tasmanian Government and the Australian Government agreed to do that.

Then there was a protracted period of consultation and we are dished up with these crappy reserves. At the same time, a legitimate claim from First Nations Tasmanians was completely ignored. This was dropped on the table without ALCT even being forewarned. This Government, which makes so much of consultation, did not even let the Aboriginal Land Council of Tasmania know what was happening.

When that happened in the first instance, when the Government actually made a significant error and laid on the table a disallowable instrument, we moved a disallowance motion. We did that not because we do not want to see those reserves, those areas of land, protected inside the TWWHA, we did that because someone in this parliament needs to give voice to Aboriginal people. Some people in this parliament, that is the Greens, will always be a voice for Tasmanian Aboriginal people and, in this instance, the Aboriginal Land Council of Tasmania.

Parliament was prorogued, but before that happened we got a letter from the previous Parks minister in response to our disallowance motion which I found really disingenuous. It says:

> The processes that the Department of Natural Resources and Environment Tasmania undertook in relation to the proclamation processes concluded that most parcels of land do not meet the criteria for national park reserve status due to previous land disturbances, including but not limited to forestry practices. However, approximately 2850 hectares have been identified as containing significant values, including an internationally important karst system that contains an extensive landscape of caves, sinkholes, gorges, streams and springs, and therefore it has been proposed that this area be added to the existing Mole Creek Karst National Park.

The minister gave the game away in his contribution just then, because he was at pains to assure the House that this proclamation is not a lockup. When you think about reserve land in that way, land that is rich in cultural and natural values, it means you are not motivated to properly protect them, so the whole process of consultation on these reserves was framed in the context of declaring conservation areas and regional reserves.

We have never seen anything from the minister's department that would confirm this claim that these 26 000 hectares are not worthy of national park status and it would certainly assist our understanding of the process to determine reserve status if we had a copy of the reports and the work that NRET did that the previous minister states have concluded that most parcels of land do not meet the criteria for a national park reserve status due to previous land disturbances. It was a predetermined outcome, because I remember when the consultation started, there was never an intention to fully meet the commitment to UNESCO that these lands be protected inside the TWWHA as national park.

We also have the former minister conflating what the Liberals did under the Forestry (Rebuilding the Forest Industry) Act where they actually created a tenure known as future potential production forest. They also created the permanent timber production zone lands and they tore up the Tasmanian Forest Agreement, which meant that those lands recognised for their high conservation value, which is why they were recommended to be included in the boundary of the TWWHA, were of high conservation value because of their natural and cultural values.

We had the minister sort of conflate. In her letter she said:

> The current statutory rules process before parliament is being undertaken as a result of the 2011 Tasmanian Forest Agreement, where areas of crown land adjacent to an outside of the then TWWHA boundary were identified for reservations. Subsequently this resulted in the Australian Government determining in 2013 that the TWWHA boundaries should be expanded.

I will pause there for a moment to remind the House that former prime minister Tony Abbott, cheered on by the Liberal state government, fought very hard to have those extensions reversed. Fortunately, they lost.

The letter continues:

> As a result of this expansion, the TWWHA currently contains approximately 25 428 hectares of crown land that is FPPF land and 942.3 hectares that is permanent timber production zone land.

The only reason they have that tenure is because of the Liberals messing around with the Tasmanian Forest Agreement once they got elected, and we still have the minister keep talking about this:

> For the TWWHA management plan to have statutory effect over the future potential production forest land, it must first be reserved through the current proclamation process. This is because while the FPPF land is protected from mining and forestry in accordance with the policy positions outlined under the TWWHA management statement, the land remains subject to the Forestry (Rebuilding the Forest Industry) Act 2014 until such time as it is reserved.

That is on these people to my left.

We had a claim put forward by the Aboriginal Land Council of Tasmania last year which was repeatedly ignored until this proclamation landed on the table. It had to be retabled after

Mrs Petrusma resigned and parliament was prorogued and now, again without any consultation with Aboriginal people or the Aboriginal Land Council of Tasmania, there is another motion, the one we are debating today, tabled in the parliament.

It is disingenuous to imply that these proclamations are a necessary or desirable step towards land returns. We do not believe this is correct. For a start, the claim that a return to Tasmanian Aboriginal people cannot be contemplated until the land is reserved is untrue. The Government can contemplate whatever it likes.

The other matter is the deliberate inference that these proclamations are required before a return could occur. This is misleading. It is correct that the land remains subject to the Forestry (Rebuilding the Forest Industry) Act 2014 until such time as it is reserved, but the minister and his predecessor are ignoring the fact that the establishment of a new reserve tenure of Aboriginal national park or Aboriginal protected area would have to lead to a new reserve tenure in the Nature Conservation Act 2002. A proclamation could convert this land from FPPF to the new reserve class tenure directly if the Government -

Mr Jaensch - Which does not exist.

Ms O'CONNOR - When I was minister for Aboriginal affairs, the Office of Aboriginal Affairs started work on developing a reserve class tenure for the return of lands. That was 10 years ago. From what I gather from the minister, none of that work has been done since. I have seen a letter from the secretary of the director of Parks, Jason Jacobi, to ALCT head Rebecca Digney which says it would take 18 months to develop that tenure.

I am staggered that the work has not even begun. This Government that wants us to believe that land returns to First Nations Tasmanians are a priority has not even begun the work on a new tenure. They have been in government since 2014 so, in eight years, ignored UNESCO or dithered on it, made a promise to upgrade the tenure to national park, has done no work on a tenure that encompasses Aboriginal protected areas, and disregards a legitimate claim from the Aboriginal Land Council of Tasmania over that northern part of kooparoona niara-Great Western Tiers. The minister has not justified that in any way.

Even if you do change the process for the return of lands by making changes to eligibility to be on the ALCT roll, primarily it will still be the Aboriginal Land Council of Tasmania that would have lands returned to it, so I do not understand. More importantly, nor does the Aboriginal Land Council and the community they represent understand why the Government would, first of all, invite claims then ignore a claim and then refuse to respond to that claim by returning the land.

There is a threshold issue here that we lose sight of in this place: it is not our land. There was never a truce or a treaty. The land was never ceded. Even the term 'handback' does not capture what we need to do here. There is no justification for a 17-year gap between the last land return and the point where we are now, where a legitimate land claim has been made and ignored.

We tried in government. The best we could get through Cabinet was for the return of larapuna on the East Coast and Rebecca Creek, which is a spongelite quarry. It passed through this place unanimously then it was clagged-up in the upper House. I felt there was an element of racism in the response to that legislation in the upper House. It just sat there and sat there.

That was an upper House that history reminds us was hostile to the people who were in government down here because it was a balance-of-power parliament. We did not return that land then either; those piddling amounts of land we could get through the majority Labor Cabinet.

We have a government here that has been talking about changing the process for returning lands for eight years. Now they have developed a framework for a process that has alienated and deeply worried many Aboriginal Tasmanians.

We do not believe this proclamation is a necessary step. It is unusual for the Greens to be not supporting an upgrade to tenure but, first of all, those lands are safe inside the Tasmanian Wilderness World Heritage Area, even though they are FPPF lands.

However, there is a higher-order moral imperative here: that is to respond to the need for land justice and a people who will describe themselves as a patient people, but they are running out of patience. That is why we move to disallow the first proclamation. That is why we have such huge problems with what is on the table today: it is being disrespectful to Aboriginal people. It is being entirely disrespectful to the Aboriginal Land Council of Tasmania. We have this proclamation with this pathetic tenure; the vast majority of the lands we are debating today in the proclamation will only be conservation areas and regional reserves. That is because this minister regards national park status as a lock-up.

When professors Kate Warner and Tim McCormack did their outstanding deep consultation work within the broader Aboriginal community and delivered their *Pathway to Truth-Telling and Treaty* report a year ago, last November, recommendation 12 was very clear about kooparoona niara again being ignored by government. The recommendation reads:

> Together with the enabling legislation, the first Aboriginal Protected Area, the kooparoona niara Aboriginal Protected Area in the Western Tiers including the Future Potential Production Forest Land (FPPFL) on the boundary of the TWWHA should be declared.

If the land boundaries to be determined was vested in the Aboriginal Land Council, there could be conditions relating to joint management with the local Aboriginal community in the management plans for the park. This first Aboriginal Protected Area could serve as a model and would serve as a test of local management and access. We believe that the proposal for the kooparoona niara Aboriginal Protected Area would have considerable support from the wider community. For example, we were contacted by the Friends of the Great Western Tiers/kooparona niara, who wrote to us to support such a proposal:

> We are writing in support of the Aboriginal community's claim for an Aboriginal-owned and managed national park in kooparoona naira/Great Western Tiers as a significant contribution to much-needed land justice and as a source of empowerment for the Aboriginal community. It will also be of benefit to the non-Aboriginal community through the increased tourist visitation that such a national park would attract.

A year ago, the two esteemed professors, who the previous premier had tasked with engaging with Aboriginal people to map out a pathway to truth-telling and treaty, came back with this key recommendation. They do not say, 'Oh, consult more widely on it'. They do not

say, 'Wait until you change the process for land returns, or amend the Aboriginal Lands Act 1995'. They say it should be returned.

A year after this report was handed down, we still do not know what is happening with truth-telling and treaty, not in any depth. Parliament does not know. Many Aboriginal people are scratching their heads about it, too. A year after this report was handed down, that recommendation was ignored in the same way that the Aboriginal Land Council of Tasmania was ignored in its land claim. Why this minister, this Government, will not make a commitment to respond to that claim and return those lands to the body they intend to return lands to in future is baffling and very difficult to understand.

To say, as Mr Jacobi has in his letter to Rebecca Digney, as Mrs Petrusma said to her letter to the Greens, that this proclamation of these tenures does not preclude a future Aboriginal-owned and managed kooparoona naira/Great Western Tiers National Park is just paying lip service to Aboriginal people. It says nothing really and is totally disrespectful, again. Why can the Government not just make a commitment here? That letter from ALCT was sent almost 18 months ago. This is not some new, shock proposal the Government is having to deal with.

The injustice continues; it just goes on and on. I remember a premier before a premier, Will Hodgman who, on Australia Day 2015, made a commitment to reset the relationship with Aboriginal Tasmanians. That was seven years ago. Nothing has changed except more uncertainty and dissatisfaction within the broader Aboriginal community about this Government's talk, talk, talk. White men are making promises that things will get better in the future and meanwhile, nothing.

We have an amendment to the minister's motion, and while I am sure he is disappointed we have decided to do this, there is no reason at all that the parliament should not support this amendment. Mr Speaker, I move -

> That the motion be amended by inserting the following paragraphs after paragraph (2) -
>
> (3) Recognises the Aboriginal Land Council of Tasmania's (ALCT) March 2021 claim on kooparoona naira/Great Western Tiers inside the TWWHA; and
>
> (4) Supports the return of kooparoona niara to ALCT under a new reserve tenure of Aboriginal-owned national park or protected area.

I hope that Labor will at least be able to show good faith and support this amendment. It is not as if the Tasmanian Government has to reinvent the wheel in order to establish an Aboriginal national park tenure. There are examples of it all over the country. Where I grew up on minjerribah, Stradbroke Island, the Quandamooka people own, manage and have social and economic independence as a result of having the Quandamooka National Park returned to them. It is not a body of work that needs to take years and years. Uluru is another example. Aboriginal protected areas are all over the country. Seriously, you could just about do this in a month.

If you are serious about truth, treaty, justice and the return of lands, you do not keep making excuses for why you are not returning land. If you are serious about it you do not imply we need a three-year consultation and drafting process. You just get on with it because it is just the right thing to do. We do not buy the argument that this is urgent and necessary now. The Government sat on this for seven years, has dished up primarily a bunch of low-grade reserves, has a claim before it from the peak Aboriginal land management body in the state and should be able to just get on with it. I do not understand the deep resistance to taking some steps. Even though the framework is not perfect yet, should we not be aspiring to return as much land to as many Aboriginal people through every mechanism possible? We should. The Aboriginal Land Council is now in a situation where it is fundraising to buy its own land back, to buy the land of the Aboriginal people back: private fundraising in order to have its own land returned.

There have been some tiny parcels. There was a little parcel of Hydro land that was sort of returned, but I believe Tom and Jane Teniswood on the east coast have returned more land to Aboriginal people than the Liberals in eight years of government. With all the tools of the bureaucracy and the numbers in parliament with them, they have done less for Aboriginal people than two private citizens on the east coast of Tasmania.

I do not doubt that this minister at some level must feel he is doing the right thing, but I hope he has an opportunity to reflect on how badly this has been handled. The Aboriginal Land Council does not feel that its claim has been genuinely recognised or considered. It says all the reasons for not progressing with the kooparoona niara National Park as a priority are easily overcome in a legislative package required to establish the new Aboriginal-owned reserve tenure and are nothing more than shallow excuses. This is from the Aboriginal Land Council.

If the proroguing of parliament means the statutory rules need to be reintroduced, this gave the Government a face-saving way of reconsidering the Aboriginal Land Council claim, abandoning the low-grade reserve declarations and moving to honour the claim and establish an iconic new reserve tenure and land justice combination. If indeed land returns are a priority for the Rockliff Government, there should be no problem making a commitment regarding step two, an Aboriginal-owned national park for kooparoona niara as part of the affirmation of this motion. There are specific questions for the minister to answer from the Aboriginal Land Council which we have been provided with and perhaps the minister could respond to them in his contribution on the amendment.

Minister, you have told us, ALCT and the Legislative Council that these reserve proclamations are needed to overcome constraints in the Forestry Act and this is a required action. That is step one but it does not preclude step two: the return of this land to Aboriginal ownership. Will you commit to step two, honour the Aboriginal Land Council claim and move to create the proposed new Aboriginal-owned reserve tenure, and if so, by when?

Do you recognise and acknowledge the ALCT land claim? If so, aside from the excuses you keep giving for not taking legislative action now, what is your response to that claim? Will you embrace the offer of an Aboriginal-owned reserve tenure and instruct departmental staff to start the legislative work required to establish this new tenure? Are you aware that Aboriginal-owned national parks are common around Australia, such as Uluru, Kakadu - and around the world? Tasmania is behind the game with regard to the creation of this tenure, and

using it as a mechanism to deliver land justice and the cultural, community and economic opportunities that come with returning land to Aboriginal people.

Will you commit to legislating this reserve tenure, and moving to translate some or all of the land under these reserve proclamations to that new tenure?

I am going to place on the *Hansard* record, minister, that, unfortunately, you were not paying full attention then. I am going to give you a copy of those questions because -

Mr Jaensch - I was seeking advice on a matter you raised.

Ms O'CONNOR - Okay, thank you. For the record, the minister was seeking advice on a matter that had been raised by the Aboriginal Land Council. Just so there is no confusion over these core questions that have been asked, I will hand you a copy of these questions now.

Mr Jaensch - A redacted email.

Ms O'CONNOR - No worries. I will just take away any identifying features.

I know others will want to contribute and the minister will want to respond to our amendment, so I will not talk for much longer. I hope the minister understands the level of deep frustration of many Aboriginal people about the lack of progress on anything. There has been nothing but reviews, rewrites, and lip service. There has been nothing. It is disrespectful. It is not good enough. Aboriginal people deserve justice. If this minister thinks he has a leg to stand on in knocking back our very simple amendment, after eight years of inaction from government, then perhaps he has the wrong portfolio.

[4.23 p.m.]

Mr JAENSCH (Braddon - Minister for Parks) - Mr Speaker, I thank Ms O'Connor for her contribution. I rise to speak on the amendment.

I will start by reaffirming that the Government recognises the Aboriginal Land Council of Tasmania as the statutory holder of land for and on behalf of, and in the interests of all Tasmanian Aboriginal people. We respect them in their role and nothing in the proposals being consulted for reform of the Aboriginal Land Act seeks to change the fundamental role of the Aboriginal Land Council. In our view, future land returns, which we do have ambitions to progress, will still involve vesting that land with the Aboriginal Land Council of Tasmania.

The Aboriginal Land Council's proposal for creation of a kooparoona niara Aboriginal National Park is recognised and acknowledged. I am advised that that proposal was first received by Government as part of a submission in the consultation process regarding these Future Potential Production Forest Lands and their transfer to reserve status.

The Government, including the Premier, I as minister and senior department officials have met with the Aboriginal Land Council of Tasmania on more than one occasion to discuss the proposal. Further information has been sought on matters relating to things like intended boundaries, management arrangements, access and proposed uses of a potential Aboriginal national park or reserve for the purposes of understanding what the proposed reserve class would need to cater for. It may be different from a national park or reserve, conservation reserve, regional reserve or other reserve types that we have available to us under the Nature

Conservation Act. Further information has been sought and a process is required in legislation if an Aboriginal national park reserve class is to be created. I believe that the Aboriginal Land Council acknowledges that, as referenced in Ms O'Connor's contribution just now, recognising that that would need to be a legislated process. It would take time and have steps in it.

Ms O'Connor challenged the notion that this proclamation process we are going through now is a necessary first step to transfer land from FPPFL to reserve within the TWHAA. If an Aboriginal reserve status existed now in legislation then that is one of the types of reserves that could be considered for conversion of the FPPFL land into reserve status within the TWHAA. At the moment it does not exist as a class of land, as a class of reserve to assign to.

A class of land, a class of reserve for Aboriginal reserve could be created but it would need to be through legislation like every other piece of legislation. It would need to be researched, designed and consulted and then passed through two Houses of parliament. That is not a quick process. While there may be existing models in other jurisdictions we could follow, that does not change the need for us make legislation through the standard forms and processes of our parliament.

We also cannot escape the need to go through a proclamation process like this one we are in now, which is not starting now, as you identify - it started some time ago with researching the particular nature, values and condition of the land parcels involved. You said you would like to see that information. It is on the NRET website for the public to view at any time but this needs to be consulted as well. If we were proposing to move FPPFL land into an Aboriginal reserve class, if we had it, that proposition in itself would be subject to consultation and it would need to be passed through both Houses of parliament with an affirmative vote in both Houses.

Ms O'Connor - You did not consult when you tore up the TFA. You did not consult on the design of the Rebuilding the Forest Industry Act. You consult when you choose.

Mr JAENSCH - Ms O'Connor, I am answering the questions you have raised today. The point is, our Government is not hostile to the proposal being put forward. We acknowledge and we have sought further information on it. As I understand, that conversation is still open and will continue.

Right now, we do not have an Aboriginal reserve class to transfer land to. If we did, as with any transferring of this land to a reserve of any kind, it is subject to a consultation and parliamentary process. That would always be the way. The difference between where we are now, where we are proposing to transfer the FPPFL land parcels into existing reserve types with the options open to us in the future to then transfer, joint manage, lease, licence or enter into other arrangements for access, use and enjoyment of those lands with Aboriginal people for and by them and their communities - that is entirely open to us - or we can remain in contravention of our international obligations for a further period of time while we legislate a new reserve class and then conduct a further consultation process and a process through parliament to achieve the outcome that is sought by the proposal.

I believe we can meet our obligations to the World Heritage Committee now. We can ensure that the TWWHA management plan takes effect over these parcels of land now, as Ms O'Connor, you and others have been encouraging us to do for several years and retain all options for consideration of proposals for use, joint management or land return involving those

lands with Aboriginal people. I believe we can meet our obligations and progress our discussions around land with Aboriginal people without the delay that would be involved with waiting until we had an Aboriginal land reserve class already created, and then consulting and seeking the support of the parliament for a declaration of such land.

I reiterate that we recognise and acknowledge the proposal that has been put forward. We are open to receiving more information about that with a view to understanding more about what an Aboriginal reserve class of this kind would look like, both for this location or for others as well. That class does not exist right now. We do need to progress this proclamation now. Progressing this proclamation in no way precludes future work with Aboriginal people.

I will turn my attention to the specific questions you have asked on behalf of the Aboriginal Land Council in your presentation. The first one has to do with constraints in the Forestry Act. It is the reference I made in my opening statement to the fact of this land, the FPPFL, within the TWWHA, as currently being unreserved public land subject to the Forestry (Rebuilding the Forest Industry) Act 2014. Under section 4(8) of that act, I am advised that the managing entity, being the state or the Crown, cannot sell, transfer or convey this land to any other person. There is far more scope for that to happen when this land is reserved under the Nature Conservation Act hence we need to convert it to a reserve under the Nature Conservation Act before we are able to do this.

Ms O'Connor - That is the biggest red herring you have thrown on the table in days.

Mr DEPUTY SPEAKER - Order.

Mr JAENSCH - Your contention is that we should turn it into an Aboriginal national park. That reserve class does not exist. We believe we can move it to reserve and be able to continue to consider development of an Aboriginal national park reserve class and/or other forms of joint management, licencing, leasing or transfer for these parcels of land.

Ms O'Connor - Can I just check that? You said 'consider the development of an Aboriginal reserve class'. Did you mean 'consider' or did you mean 'develop' an Aboriginal reserve class?

Mr JAENSCH - Absolutely, and you may be aware if you have been following the discussion and the consultation process regarding the Aboriginal Heritage Act which has recently closed its last round of consultation, in that there is a recommendation for a proposal to enable the creation of Aboriginal Cultural Heritage Protected Areas. I imagine that there would be some overlap, or some similarity in the processes of considering aboriginal reserve class, but I also note that we do not have to have a special class of reserve in order to be able to transfer land to Aboriginal people. We have not in the past but for this land, this FPPFL land we cannot transfer it from what it is now. We need to move it into a reserve class that does exist, in the first instance, and then all options are open and we stand ready to work with proponents to look at, and progress proposals like this. I need to put on the record that there are other proposals we have received from other people for this land and related land for development of Aboriginal joint management and use and other purposes as well.

Ms O'Connor - You have not got another proposal from the Aboriginal Land Council which is the peak land management body.

Mr JAENSCH - It is important for completeness that I put on the record that there have been other bodies that have come, through the FPPFL consultation process and independently of it, to the Government with proposals also to consider, and we need to ensure that they are heard as well.

The third question you put was, are we aware of Aboriginal-owned national parks around Australia? Yes, we are, and we are particularly aware of some recent announcements from New South Wales, in particular, regarding Aboriginal management, ownership, return, of areas of their national park estate, which overlays with native title areas, and claim areas in that state. We are looking very closely at what they are proposing to do there, although their circumstances are slightly different regarding native title. There is a lot of movement in this area at the moment and we are very open to, and interested in, the models that are emerging to deliver Aboriginal land use and joint management ownership, particularly given that such a large proportion of Tasmania, compared to any other state is under some form of reserve, and we are ambitious for what we may be able to achieve in terms of Aboriginal ownership as well.

Ms O'Connor - You also have vast areas of Crown land you could give back with very few strings attached.

Mr JAENSCH - To the last point you just made then, Ms O'Connor, we are close to bringing forward the next round of policy proposals arising from the consultation on the review of the model for returning land. Our aim is to return more land: to have a clearer process for doing so that everyone can be more confident in, so that we are more likely to be able to successfully receive, develop, and propose, through the parliament, new parcels of land to be added to the Aboriginal Land Council's portfolio and estate, on behalf of all Aboriginal people. I look forward to discussing elements of that in consultation over coming months, with a view to having legislation early next year that delivers us a more effective and workable model that everyone can be confident in. That is what I am looking forward to today.

I acknowledge the intent. I acknowledge the frustration, and the wishes behind the amendment that you have tabled today but we will not be supporting the amendment. I believe, in my response, I have given some undertakings and a demonstration that the Government does not have a political or policy position regarding driving whether or not we can declare a kooparoona niara National Park right now. We do not have the legislated reserve classes. We are bound to a process of consultation and parliamentary process for any decision regarding the new reserve class or proclamation of reserves, which is why we are doing this here today.

Lastly, there was some suggestion that we had brought this matter forward this week without announcement and that was disrespectful to Aboriginal people and others concerned about this land. I need to reiterate that the content, the intent and the detail of the motion today are no different from those that have previously been laid on the table in both Houses of this parliament and through what, at that time, was understood to be a disallowable process. They are no different from the matters that we consulted on over the last couple of years. This today is an administrative process for the avoidance of doubt, based on new advice we have had that the interpretation of that as a disallowable instrument for the purpose of process was in error or in doubt. We needed -

Ms O'Connor - Do you know we told you that? Our very clever adviser told you that and was ignored.

Mr SPEAKER - Order.

Mr JAENSCH - No, they told my predecessor that. Therefore, I think you do understand exactly what we are doing here today. It is not tricky, it is not political. It is purely administrative for the purposes of being sure that this transfer of FPPFL land to a reserve status, as we are required to under international convention, can be achieved. That is my response to the amendment. I look further to other contributions.

[4.42 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I thank the member, Ms O'Connor, for bringing the amendment to the House. I can understand why, given the frustration ALCT felt and the attempts they have made reaching out to the Government, starting, as far as I am aware, at March 2021, in written correspondence to then premier Peter Gutwein, indicating their claim for the kooparoona niara Great Western Tiers National Park inside the TWWHA. I have met with Bec Digney and have had the opportunity to understand their frustration about the lack of communication and engagement from the Government in multiple attempts they have made to get some feedback on the correspondence they wrote at that time to former premier Peter Gutwein. It has taken a very long time for them to even get an acknowledgement, so I can well understand their desire to have this amendment progressed today. I appreciate the member for Clark bringing it forward for discussion.

It has been useful to hear the response from the minister. The Government needed to put something on the record today to demonstrate its commitment to land handback. It has not been something they have been able to deliver, despite a number of statements given by multiple premiers and multiple ministers.

I make it very clear that the Labor Party, of course, supports land handback. We support the addition of Aboriginal protected areas or Aboriginal national parks, whatever classification might be arrived at, to allow for those land handbacks to occur in a way that also respects the cultural use by Tasmanian Aboriginal people. The Labor government didhand land back. Ms O'Connor spoke about the attempts of the last Labor-Greens government to do that, but unfortunately they were unable to progress through the other place.

It highlights that the process needs to be solid. Unfortunately we have attempted to progress land handback through this place in the past and it has been unsuccessful, despite the will of this Chamber unanimously expressing our desire to see that occur. We remain committed to land handback. We also remain very committed to treaty. It is very important that we build trust with Tasmanian Aboriginal people by demonstrating our commitment to both that process and the process of land handbacks. We need to also give consideration to the fact that we are not talking singly about land handbacks but also sea, maybe sea and land handbacks together, or sea or land handbacks, but it is important to understand that the connection to ownership with lutruwita/Tasmania by Tasmanian Aboriginal people is not just with the land. Most of us have come to learn that over time.

It is also our view that we should not be dealing with these matters in isolation. We need a comprehensive process or structure to deliver these outcomes of land and sea handbacks to Tasmanian Aboriginal people. We need to be able to provide access so they can continue their engagement with the land and their culture in the way they have been able to for centuries.

Ms O'Connor - Try millennia.

Ms WHITE - Yes; I am not disagreeing with you. For that reason, we will not be supporting the amendment moved by Ms O'Connor today. We listened very carefully to what the minister had to say. There is no doubt there is a lot of work still to be delivered by this Government that has been promised, but these matters should not be dealt with in isolation of the bigger picture here around treaty and land and sea handbacks and the need to deliver outcomes for Tasmanian Aboriginal people and to do that in a way that is transparent and well-consulted.

I am confident the community will support more land and sea handbacks. There is overwhelming support amongst different members of the community I speak with. I encourage the Government to get on with it. You really need to put some greater effort into working on delivering what you have committed to, and hopefully through the treaty process we can see that start to accelerate. I can well understand the frustration of Tasmanian Aboriginal people and accept that the amendment moved today has been moved for those reasons. As I indicated, we will not be supporting it because we need a comprehensive process to deliver outcomes for Aboriginal people and doing it on a one-by-one basis like this is not the appropriate way.

[4.48 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, on the amendment. I listened very carefully to the debate and what different members said. I make a point reflecting on what the Leader of the Opposition, Ms White, just said about the frustration of the Greens. This is not a frustration of the Greens.

Ms White - I didn't say it was a frustration of yours.

Dr WOODRUFF - You did at one point.

Ms White - I said of ALCT.

Dr WOODRUFF - No, you also previously said you understand why this is frustrating for the Greens.

Ms White - No, I never mentioned you once.

Dr WOODRUFF - The point is, we are not here speaking for ourselves. We are here on behalf of ALCT bringing their concerns to this place. They are concerns that they have in good faith repeatedly tried to raise in specific instances about this area of land for over 18 months. Actually, it is probably more like 20 months. It is concerning that, despite the different ways it has been presented, the different ways that Ms O'Connor particularly has tried to answer and respond to the minister's comments, he still maintains a deliberate vague and woolly language around what the Government's intentions are.

The purpose of the amendment is to try to bring the Government to make a firm commitment about a number of things it has been gesturing to, because while the gesturing goes on, the clock is ticking and land is not returned. That is a matter of the deepest sadness for Aboriginal people, especially when they can see this incredibly special area of land which is absolutely ripe to be returned to them after all these hundreds of years since it was first stolen, so that they can go back and participate in the life and cultural practices on that land, and care for that land as they have done for millennium.

It is a simple amendment that tries to pin down a comment that the Government has made in-principle support for the concept of an Aboriginal reserve class and also that it may apply to the area known as kooparoona niara. This level of lack of clear public commitment from the minister to establish an Aboriginal-owned reserve tenure and to return that land by a certain date is exactly why we are here and exactly why we are moving this amendment. We seek some clarity on behalf of the Aboriginal people, on behalf of ALCT who have tried in good faith and done their best to get some clear language and some certain time frames. Let us be clear: the decision of the minister to proceed in the manner that he is, is about the convenience for the Government. It is not about the best interests of the Aboriginal people.

Again, I take the minister to account. It started with Mrs Petrusma and her letter in which she made a number of statements. She stated the argument for why it was not possible for the Government to return that previous FPPF land as an Aboriginal-owned national park, in her view. Her letter implied that the proclamations are a necessary, or at least a desirable, step towards land returns.

It is not true that the land cannot be contemplated until the land is reserved because the Government can do whatever it likes. As Ms O'Connor said, this process of establishing an Aboriginal-owned tenure class reserve was started over 10 years ago and the Government has deliberately not continued with that process over the last year. It is not true that the proclamations are required before a return could occur. That is misleading. The land remains subject, at the moment, to the Forestry (Rebuilding the Forestry Industry) Act 2014 until it is reserved and it would sit, as it currently does, within the World Heritage Area. Nothing is going to happen to it.

There is no rush to do it this way. It is convenient for the Government to appear to be acting but solving the problem of the UNESCO World Heritage Committee's requirement that the Government tidies up the 'scrappy little bits of land', as the minister calls them, and sorts the tenure out, is a lower order issue to deal with than properly managing, in the process of tidying that up, to creating them as a national park and returning them to Aboriginal people as Aboriginal land.

Let us be clear: I am really confident that if the minister met with the UNESCO reactive monitoring mission today, they would say, 'That's okay. Just leave it there until you have sorted this out'. It is more important to sort out the issues for the original owners, the First Nations people, who have cared for that land for over 40 000 years, far longer than a UNESCO committee, far longer than the Government of Tasmania, far longer than when white people came here and stole it from Aboriginal people.

They have the first go. It is a much more important to deal with this issue when it comes to creating the Aboriginal land class than it is with the time frame of a responding to the UNESCO committee that the Government has already decided, quite happily, to delay for seven years. That is a faux argument and it is designed to be misleading.

What we could have, with these beautiful pieces of land, instead of having a whole bunch of separate regional reserves or conservation areas, instead of having the Dogs Head Hill Regional Reserve, the Great Western Tiers Conservation Area, the Liffey Conservation Area, the Southwest Conservation Area, the Stringybark Conservation Area, the Borrowdale Regional Reserve, the Central Plateau Conservation Area, the Dove River Forest Reserve, the

Fabray Plains Regional Reserve, and the Mersey River Conservation Area, we could have the kooparoona niara Aboriginal-owned and Managed National Park.

That is exactly what the *Pathway to Truth-Telling and Treaty* report recommends - the report that the Government is meant to be acting on, that the minister is meant to be taking his marching orders from, essentially, when it comes to issues like this. This is the real consultation process that was undertaken that is relevant to the decision that has been made today.

It was a comprehensive consultation with Aboriginal people around Tasmania. It was undertaken by two of the most august and respected people in the state, Professor Tim McCormack and Professor Kate Warner, previous Governor of Tasmania and their recommendation was the creation of the kooparoona niara Aboriginal protected area.

They made it very clear that there were numerous models elsewhere in Australia for the national park that could be established and that it should include the PBFL lands we are discussing today. Furthermore if vested in, there could be conditions established relating to the joint management with the local Aboriginal community in the management plans for the park itself. They point out that such an Aboriginal park could serve as a model and would serve as a test of local management and access.

That is why we have moved this amendment. Despite the minister's vague language, at the moment, there is no commitment to a certain date for creating an Aboriginal-owned reserve tenure. He is not hostile, he says, to doing this but it is meaningless words, words, words if there is not a date and there is no cast iron commitment. Every time he talks about it, he slides away from clearly saying the language we 'commit to creating this new Aboriginal owned reserve class and that we commit to doing it by a certain date'.

That is the sort of certainty that the Aboriginal community wants to hear, who are desperately waiting to hear. It is beyond disrespectful for the minister, at this opportunity, not to make the Government's intentions clear.

Please be honest, minister, and if it is your intention not to do it, then please say that. Please explain to people. I am getting tired of being in this place and hearing you and other ministers not being straight with Tasmanians. Tell people what you are planning on doing or not doing.

Recognise the Aboriginal Land Council of Tasmania's claim in March last year, to create kooparoona naira/Great Western Tiers inside the TWWHA and support the return of kooparoona naira to ALCT by creating a new reserve tenure of an Aboriginal-owned national park or protected area.

That is the least you can do. It would be the first step in 17 years towards land returns. It would be the first step from your Government and it would be exactly what is required by the treaty and truth-telling process which you are responsible for leading, minister.

Ms O'Connor - Hear, hear.

Mr DEPUTY SPEAKER - The question is that the amendment be agreed to.

The House divided -

AYES 3	NOES 15
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Ms Butler
	Mr Ellis
	Mr Ferguson
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood (Teller)
	Mr Young

Amendment negatived.

[5.06 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, I will just speak briefly on the substantive motion, first of all to express my great disappointment in that vote; and to note that it was the two Greens and Ms Johnston who voted to recognise the Aboriginal Land Council's March claim on kooparoona niara Great Western Tiers inside the TWWHA and support the return of kooparoona niara to the Aboriginal Land Council under a new reserve tenure of Aboriginal owned National Park or protected area.

I also reinforce what Dr Woodruff said about how dispiriting and unsatisfying it is to have both the minister and the Leader of the Opposition, in making excuses for not supporting this amendment, point to a period in the future, Never Never, when maybe- if we are to believe the minister - maybe a new Aboriginal tenure that would allow the return of kooparoona niara Great Western Tiers or any other area of Aboriginal inside that reserve estate. I have known or worked around this minister long enough to understand he is cautious in his language. At one level, I get that.

However, on the question of returning land, Aboriginal people need commitment. They need an expression of commitment. What we have had from the minister is commitment to review processes, to establish a new a process - but no commitment that I could hear. What he said was 'to consider developing an Aboriginal Reserve Tenure'. So, no commitment that I could hear to starting work and developing a new tenure under the Nature Conservation Act for an Aboriginal Protected Area. The language was very non-committal, and that is highly regrettable.

Aboriginal people have waited 219 years for a measure of justice, and they would be prepared, I am certain, to wait another 18 months or two years to have kooparoona naira/Great Western Tiers returned. It is a furphy, to say that we have to go through this proclamation process before you can make a commitment to return that land. It has been a slightly

disingenuous process. If you go back through the paper trail, right from Mrs Petrusma's letter to me, to Mr Jacobi's letter to Rebecca Digney, there is a level of very qualified and, I think, disingenuous language about the circumstances that have brought us here today and the statutory processes that we are caught up in.

I am very interested to understand, - and this is a Parks question - why the decision was made not to declare areas inside the Tasmanian Wilderness World Heritage Area a national park to give them full protection. In the community consultation on the department's reservation process, and this is in relation to the forests and the lands inside the boundary, the previous minister in her letter to me rejected the legitimacy of national park status for the land in question. The consultation report, which was published by Government, by the department, highlights the fact that, of the 60 in-scope submissions, all but two supported the declaration of future potential production forest land as national park. The consultation did not guide or direct Government to give about 23 500 hectares of these lands inside the TWWHA boundary a lesser conservation status. That did not come through the consultation.

Again, I think we have had a level of just being a bit flaky with the facts about how we got here because the consultation process affirmed that these lands should be protected as national park. UNESCO requested that their tenure be changed to national park. The Australian and Tasmania Governments, and it was under Mr Groom at the time, agreed that they would change the tenure to national park.

[5.13 p.m.]

Mr JAENSCH (Braddon - Minister for Parks) - Mr Speaker, I understand I have the opportunity to close the debate on the motion, thank you very much.

Ms O'Connor - Can you answer that question about why you would allow logging and mining inside a world heritage area?

Mr SPEAKER - Order. Ms O'Connor, you have had your chance to talk. Please let the minister have his.

Ms O'Connor - I wanted to remind him of the question.

Mr SPEAKER - He did not interrupt you, did he? Thank you.

Ms O'Connor - I would not have minded.

A member - I think you would have.

Ms O'Connor - No, I would not. I love it.

Mr SPEAKER - Order, Ms O'Connor.

Mr JAENSCH - Mr Speaker, in response to the matter just raised by Ms O'Connor, I refer her to part of my opening statement in which I explained that the Department of Natural Resources and Environment has undertaken scientific evaluation of the FPPFL. These evaluations are available on the department's website. They indicated that while the FPPFL is predominantly in a natural state, many parcels of land display evidence of past land use practices, such as selective timber harvesting, that predate the World Heritage listing. For this reason, these areas more closely align with the values prescribed for conservation areas and regional reserves, rather than national parks in accordance with Schedule 1 of the Nature

Conservation Act 2002. I understand that, where that assessment existed, there was a process of adhering those areas to adjacent reserve areas within the TWWHA and giving them the same status.

Now, this - the exception - has been with the additions to the Mole Creek Karst National Park currently consisting of 12 separate blocks of land. A scientific evaluation of around 2850 hectares of FPPFL adjacent to Mole Creek Karst National Park identified that the areas would play a critical role in protecting the world renown caves at Mole Creek, have significant values themselves and meet the criteria of a national park as prescribed in the Nature Conservation Act.

Part of the process is to not provide a blanket declaration of national park to everything, including areas that do not meet the criteria for a national park and therefore downgrade the status of national park. That is the technical information you sought regarding how those decisions were made. That information they based it on is available on the website.

I will conclude by reflecting with regard to discussion about an Aboriginal national park, Aboriginal protected areas, that the Government is open to and interested in those discussions. We are examining models elsewhere and we do intend to invest more in development of new tenure options and reserve classes that support and enable greater management of Aboriginal values by Aboriginal people in our reserve system.

I will be clear: we do not need to create these reserve areas in order to return more land except with the FPPFL land that cannot be transferred, leased, managed and under any agreement, because of where it is now.

My point is that future land returned to Aboriginal people is not dependent solely on creation of a new Aboriginal reserve class. None of the land which has been returned so far or held by the Aboriginal Land Council is Aboriginal reserve class and Aboriginal reserve class in itself does not confer its declaration as Aboriginal land. That is a separate process again and that is the land that the Aboriginal Land Council of Tasmania is the title-holder for, on behalf of all Aboriginal people.

I thank everyone for their contributions on this matter: the substantive matter of the technical transfer and reservation of this land, the proclamation itself, but also that larger, more significant, more sensitive discussion about Aboriginal land, land return, land management. We are committed to all of those matters and to getting them right and to ensuring Tasmanians and this parliament has processes through which to ensure good management of land and the return of more land to Aboriginal people.

I thank all contributors to the debate.

Mr DEPUTY SPEAKER - The question is that the motion be agreed to.

The House divided -

AYES 16	**NOES 2**
Mrs Alexander	Ms O'Connor
Ms Archer	Dr Woodruff (Teller)

Ms Butler
Mr Ellis
Mr Ferguson
Ms Haddad
Mr Jaensch
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mr Shelton
Ms White
Mr Winter
Mr Wood (Teller)
Mr Young

Motion agreed to.

ELECTORAL DISCLOSURE AND FUNDING BILL 2022 (No. 25)

Second Reading

[5.23 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill is one of three bills that deliver on reforms identified as part of the electoral act review. The electoral act review has been delivered at a time when changes to electoral laws are occurring across Australia and a number of decisions have been handed down by the High Court in relation to electoral law which reveal the complexity of regulating the electoral process. The final report makes 11 high-level recommendations for proposed reform to modernise our current system and create a political donations disclosure regime specifically for Tasmania.

The review involved two rounds of public consultation and has already led to amendments to the Electoral Act 2004, which commenced in 2019. The recommendations in the final report broadly fall into four areas, namely, recommendations of a technical nature that will ensure our electoral system is effective and contemporary; recommendations relating to a new disclosure regime for candidates and political parties; recommendations relating to the regulation of third-party campaigners, donors and associated entities and a recommendation in relation to the public funding of election campaigns.

The Tasmanian Government is committed to ensuring Tasmanians have confidence in our electoral system and a key premise of this is ensuring our electoral system is fair, transparent, effective and contemporary. As mentioned, this review has now yielded three pieces of legislation. The first bill, the Electoral Amendment Bill 2019 passed this parliament on 4 April, 2019 and commenced on 18 April, 2019. This first tranche of reform dealt with technical and procedural matters within the Electoral Act 2004 in line with the first term of reference of the review. The 2019 bill came about as a result of the Electoral Act review interim

report, recommending that a number of reasonably straightforward technical and administrative changes be made through a first tranche of amendments to commence prior to the Legislative Council election in 2019.

The first tranche included the repeal of section 198(1)(b), removing the ban on newspaper advertising reporting and commentary on polling day and a number of amendments to address difficulties arising from changes to postal delivery times.

I am pleased to be delivering the further legislative reforms as a result of the Electoral Act review, namely, this bill, the Electoral Disclosure and Funding Bill, 2022, as well as the Electoral Matters Miscellaneous Amendments Bill, 2022.

The Electoral Disclosure and Funding Bill I rise to speak on first introduces a new system of disclosure of political donations and electoral expenditure, as well as the provision of public funding in relation to elections in Tasmania. This is significant reform for Tasmania and is understandably lengthy and complex legislation. A consultation version of this bill was released for public consultation within the first 100 days of this term of Government in line with our election commitments. The consultation bill was made available online along with seven fact sheets to assist stakeholders and the Tasmanian community with the interpretation and understanding of the proposed scheme established in the bill. In summary, the bill establishes a disclosure regime for political donations and electoral expenditure and provides for two forms of public funding in relation to the House of Assembly.

The new systems and requirements in the bill will directly affect candidates in elections to either the House of Assembly or the Legislative Council, members of either the House of Assembly or the Legislative Council, registered political parties, political donors being individuals or organisations who make political donations, associated entities and third-party campaigners.

Turning first to the disclosure regime, this bill introduces a new far-reaching system of disclosure into the Tasmanian electoral system. First, it is important to explain the definitional matters forming part of this system. The bill defines associated entity and third-party campaigner as these are not concepts currently identified in the Electoral Act. They are, however, entities well-established in electoral law, both at the federal level and in other states and territories.

An associated entity can be either incorporated or unincorporated and has the following features; it is controlled by one or more registered parties or operates wholly, or to a significant extent, for the benefit of one or more registered political parties or as a financial member of a registered party or has voting rights in a registered party. This entity operates for the benefit of a political party and is therefore regulated in, largely, a comparative way.

This ensures that such entities are also accountable for the money they receive as political donations, as well as the election expenditure they incur as part of an election campaign. Associated entities must register with the Tasmanian Electoral Commission, if they are to receive political donations or incur electoral expenditure and are regulated year-round. In contrast, third-parties are only regulated during the election campaign period. Third-party campaigners are defined under section 8 as individuals or organisations who are not members, candidates, registered parties, or associated entities and to incur at least $5000 of electoral expenditure during a House of Assembly election campaign period.

They must also be registered under section 127 as a third-party campaigner in relation to the election. The inclusion of third-party campaigners within the new disclosure system recognises the increasing role that individuals and organisations have played in the political environment in Australia in recent times. Again, the regulation in this bill does not aim to limit or deter such campaigners from participating in our democracy, but introduces transparency as to the influence of these campaigners in the electoral process.

Once an individual or organisation qualifies as a third-party campaigner, they are obliged to register as a third-party campaigner, appoint an official agent and nominate a campaign account. The official agent is the individual legally responsible for disclosing all reportable political donations and for completing and lodging an election campaign return. As mentioned, third-party campaigners are only regulated in relation to the election campaign period of the House of Assembly.

Third-party campaigners may also be a charity, representative, or community group, or business that engages in activity other than the electoral activity regulated by this bill. For example, the new disclosure system does not regulate donations to the charity of an organisation that is also a registered third-party campaigner. The system only requires disclosure of political donations, namely money received in order for the campaigner to incur electoral expenditure.

An individual, or organisation, may elect to register as a third-party campaigner early, or pre-emptively, prior to engaging in electoral expenditure. Indeed, this is encouraged. This early registration can ensure the relationship is established with TEC and the campaigner is able to ensure its compliance with the requirements under the act as they arise.

To mirror the disclosure requirements of recipients of political donations, the bill also sets out requirements for political donors. The bill introduces the concept of a significant political donor. A significant political donor is a donor who donates $5000 or more to a single candidate, member, third-party campaigner, or recipients from the same registered political party, during a reported period. This can take the form of a single donation or a number of donations over the course of the period. Once the threshold of $5000 has been reached, the donor is required to disclose this reportable political donation to the TEC in a similar fashion to the recipient. The bill does not aim to deter people, including donors, from participating in our healthy democracy, but rather aims to ensure that electoral finance is open and transparent.

The bill also introduces the concept of an official agent and a party agent. These individuals are the people legally responsible under the bill for ensuring the compliance of the individual or entity they represent, with the requirements of the bill. Official agents are individuals acting on behalf of third-party campaigners, associated entities, independent candidates and independent members and significant political donors.

As these agents have judiciary and legal responsibilities, there are some eligibility requirements contained in the bill including that the person must not have been appointed to any office or position under the Electoral Act 2004, sentenced to a term of imprisonment for more than two years, convicted of an electoral offence either in Tasmania or elsewhere in Australia, or been convicted as an adult within the last ten years of an offence involving fraud or dishonesty. The TEC also retains the power to determine whether a potential agent is a fit and proper person for the role.

A party agent, like an official agent, is the person legally responsible under the bill for ensuring the compliance of the individual or entity they represent, with the requirements of the bill. However, a party agent represents a registered political party and its endorsed candidates. A party agent has the same eligibility requirements as an official agent, but with the additional requirement that a party agent must also be a senior office holder of the party. It should be noted an independent candidate, independent member, or a third-party campaigner can choose not to appoint an official agent. They would then operate as their own official agent under the act.

Other key concepts of this new system include definitions of gift, political donations, reportable political donation, and election campaign period.

A reportable political donation is one valued at $5000 or above. The bill also provides that if a number of political donations are received from a single donor in the same financial year, they are aggregated for the purpose of determining if the $5000 threshold has been met.

The bill also recognises that the period surrounding election campaigns is a time when it is in the public interest for political entities to be most transparent. Therefore, the bill creates two reporting periods: one around the election campaign period, and one for time outside this period.

The election campaign period in relation to the House of Assembly commences six months prior to the last possible date for the House of Assembly election, and ends 30 days after polling day. During this election campaign period, all candidates for the House of Assembly election, state-registered political parties, registered third-party campaigners, and associated entities must disclose reportable political donations within seven days of receipt. Similarly, significant political donors must disclose reportable political donations within seven days of the donation being made.

The election campaign period in relation to Legislative Council elections commences on 1 January of the year of the election and concludes 30 days after polling day. As with candidates in the House of Assembly, during this period all candidates for the Legislative Council election must disclose reportable political donations within seven days of receipt, and significant political donors must disclose reportable political donations within seven days of the donation being made.

In order to further the objects of the bill to establish fair and transparent disclosure and electoral expenditure, as well to prevent undue influence, Part 3 of the bill sets down a range of prohibited donations. The bill incorporates a ban on donations from foreign donors. This ban mirrors the provisions under the Commonwealth Electoral Act 1918, thus ensuring a consistent and robust ban on such donations in Tasmania. In addition, the bill bans the making of donations of more than $100 in the form of cash. This ban aims to prevent the movement of untraceable funds whilst acknowledging that candidates and parties still embrace grassroots fundraising through cake stalls, raffles, and small-scale events.

Under Part 3, it is also unlawful for parties or representatives of parties to make donations to independent candidates or independent members. The bill also provides that when a political donation of over $100 is received, the recipient must record the name and contact details of the donor for the purpose of potential future aggregation and to ensure the donor is not a prohibited

donor. Receiving donations without the requisite donor information, that is, receiving an anonymous donation over the value of $100 is an offence under the bill.

In addition to the disclosure of donations, the bill also provides for the disclosure of electoral expenditure through election returns. These returns are required to be lodged with the TEC in relation to elections for both the House of Assembly and Legislative Council. In summary, electoral expenditure is defined in the bill as expenditure incurred for the dominant purpose of creating or communicating electoral matter in relation to an election.

Part 7 of the bill sets down the requirements for Assembly election campaign returns in relation to the House of Assembly elections. Candidates, associated entities, registered political parties, and third-party campaigners are required to prepare and lodge an Assembly election campaign return with the TEC within 90 days of polling day in relation to a House of Assembly election. These returns need to contain the following information: disclosures of all electoral expenditure incurred during the campaign period; disclosure of the details of all reportable political donations received during the campaign period; and disclosure of the total amount of all political donations received during the campaign period. Associated entities and registered political parties are also required to report all relevant debt information as defined in the bill.

The bill provides that even if there are no disclosures to make in such a return, the candidate or entity must lodge a nil return. As many would be aware, Part 6 of the Electoral Act already contains a range of provisions limiting election expenditure and requiring reporting of electoral expenditure in relation to Legislative Council elections.

The Government is committed to ensure that a system that continues to be largely supported by members and stakeholders is not unnecessarily disrupted. The bill does, however, move the provisions of the current Part 6 of the Electoral Act into the new bill to ensure consistency and prevent confusion. The new bill does not alter the following existing provisions in relation to Legislative Council candidates.

Candidates in Legislative Council elections will continue to have an expenditure cap in the same form and of the same quantum as under the old Part 6. Political parties or other individuals or groups are prohibited from incurring electoral expenditure on behalf of the Legislative Council candidate. Candidates in Legislative Council elections are required to submit a return outlining their election expenditure to the TEC within 60 days of polling day and candidates in Legislative Council elections may nominate an agent to act on their behalf in relation to election expenditure.

Under the bill, new requirements for candidates and members of the Legislative Council are as follows:

> Candidates and members will now need to comply for year-round requirements in relation to disclosure of political donations. The election return requirement for Legislative Council candidates will now need to include total donations as is the requirement for the House of Assembly.

An agent acting on behalf of the candidate in a Legislative Council election is now an official agent rather than an election agent. The official agent must comply with the requirements for official agents provided for in the bill. A candidate in a Legislative Council

election must have their own campaign account. All political donations must go into this account and all election expenditure must be spent out of this account. This is also consistent with House of Assembly requirements. If a candidate in a Legislative Council election is endorsed by a political party, the candidate may elect to use the party agent. The party agent must, however, still only use the candidate's campaign account in relation to that candidate.

The bill also establishes a new public funding system in relation to state elections. There are two components to this system. Firstly, there is provision for public funding of candidates and parties involved in House of Assembly elections, based on formal first preference votes to reimburse for electoral expenditure. Secondly, there is provision for the payment of administrative funding to register parties with endorsed members in the House of Assembly as well as to independent members of the House of Assembly.

Part 11 provides for public funding to reimburse candidates and register political parties participating in House of Assembly elections. This funding aims to assist registered parties and candidates with their ability to get their message to the community and to reduce the reliance of registered parties and candidates on fund-raising and private donors.

The system established in Part 11 calculates eligibility for this funding, based on a formal first preference votes received by candidates in a House of Assembly election. Any candidate who is elected or receives 4 per cent of the formal first preference vote is eligible for public funding.

If a candidate is endorsed by a registered party at the election, the funding is paid to the registered party. If the candidate ran as an independent candidate, any funding is paid directly to the candidate. The maximum rate of public funding is $6 per formal first preference vote received by the candidate.

To ensure that this funding does not act as a windfall, the funding is based on reimbursement via a claiming process. A party or independent candidate can submit a claim to the TEC outlining the election expenditure incurred during the election campaign. The amount of funding paid is the lesser of the claimed amount and the entitlement. The TEC will have the ability to either pursue overpayments as a civil debt or, alternatively, withhold future funding entitlements to the extent of the overpayment.

The second part of the public funding system within the bill is administrative funding. This system is set down in Part 12. This funding is available to registered parties with members in the House of Assembly as well as Independent members of the House of Assembly.

Administrative funding has been included as part of the bill to reflect the increased administrative burden faced by parties with members of Parliament and by Independent members due to the disclosure and reporting of requirements of the bill.

The tiered system of administrative funding has been provided for, based on the number of MPs a party has endorsed. A party with six or more endorsed members is entitled to $33 054 per quarter. A party with between two and five members is entitled to $19 282 per quarter. A party with one endorsed member is entitled to $9641 per quarter and an Independent member is entitled to the same amount as a one-member party, namely $9641 per quarter.

As with per-vote funding, this funding is by reimbursement and is capped at the actual expenditure of the party or member on relevant things. The bill sets out a description of the type of expenditure that can be claimed as administrative expenditure for the purpose of claiming this funding. Both funding systems will be administered by the Tasmanian Electoral Commission from the Election Campaigns Fund and Administration Fund established by the bill. The TEC has appropriate compliance and enforcement powers to ensure these funding systems are accountable and fair. This includes the ability to audit, or retain a qualified auditor to audit any claims for funding.

To ensure the effective operation of the disclosure requirements and funding system, the bill also contains a range of enforcement, compliance, investigation and offence provisions. The bill provides the TEC with the capacity to investigate and prosecute a range of offences relating to requirements under the bill. This includes the capacity to not only prosecute agents for failing to meet requirements but also others, including candidates, who provide information which they know, or ought to have known, is false or misleading in a material particular in that it is of significance and not trivial or inconsequential. The act also provides for a course of conduct, or scheme, offence. This is where a person engages in conduct deliberately aimed at circumventing a requirement or prohibition under the act.

The bill recognises the importance of full and timely publication of information. The TEC has the obligation, under the bill, of ensuring that a range of information is provided online within reasonable time frames. Online publication is required by the bill for the following type of information:

- all registers established under the bill.
- all guidelines issued by the TEC.
- all claims for both forms of public funding.
- all donation disclosures.
- all election returns.

The TEC retains the capacity to decline to publish a document or part of a document where the TEC has reason to suspect the information is vexatious, false or misleading. The TEC will also continue to provide access to information in hard copy at their office during business hours. Availability of both the online and hard copy of these documents must be maintained for six years.

The Electoral Disclosure and Funding Bill 2021, with the Electoral Matters (Miscellaneous Amendments) Bill 2021, was released for public consultation for a period of five weeks from 24 August until 28 September 2021. The bills were available via the Department of Justice website with a variety of fact sheets to assist in understanding the provisions of the bills.

In addition, a wide range of stakeholders and interested parties were contacted directly to advise them of the bills. This included all the registered parties in Tasmania, all individuals and groups that had previously made a submission on the review, where contact details were available, all current members of both the House of Assembly and the Legislative Council, the University of Tasmania, the Tasmanian Law Reform Institute, the Integrity Commission, the Law Society of Tasmania, the Tasmanian Bar, the courts, media outlets, among others.

This is an important reform which has a lot of community and stakeholder interest. I thank all those people and groups who made a submission and participated in this important and complex review. All feedback and submissions received have been taken into consideration when finalising the bills for parliament.

The reforms being progressed through these bills strike the appropriate balance in increasing transparency and fairness, which is the right thing to do to ensure that the public continues to have confidence in the outcomes of elections into the future. It is important that Tasmanians have confidence in our electoral system, therefore we must ensure it applies to everyone who participates in the political process. It is critical we get these settings right. I am confident that these bills deliver a fairer, more transparent and modern electoral system for our state.

Before I conclude, Mr Speaker, I foreshadow that I will be moving one amendment to address an ambiguity in the bill, which was identified through the briefing process -

Ms O'Connor - It was identified by the Greens.

Ms ARCHER - I was about to say, and I should say, that it was identified by Ms O'Connor, and I thank her.

Ms O'Connor - It was not identified by me. It was identified by Tom Whitton.

Ms ARCHER - Okay, your wonderful staff member, Mr Whitton. The amendment will amend the definition of 'party subscription' in clause 5 to make it clear that the threshold of $5000 applies to the aggregate total of subscription fees paid by a person each year, rather than to each individual payment.

Mr Speaker, I commend the bill to the House.

[5.52 p.m.]

Ms HADDAD (Clark) - Mr Speaker, I am happy that we are standing here debating this bill tonight. I know I will not get through my whole second reading contribution before we adjourn for the evening but this marks a very significant change in Tasmania's electoral law history. It is something Tasmanian Labor has been lobbying for for a very long time. Indeed, prior to Labor losing the election in 2014, there was an attempt at some similar parts of what has been put forward in this legislation.

Ms Archer - That was Brian Wightman.

Ms HADDAD - That is right. Brian Wightman, when he was attorney-general, put forward a bill in 2013. It was debated in both Chambers, or at least it passed the lower House.

Mr Ferguson - It was thrown out in the upper House because it was trying to favour the Labor and Greens parties together.

Ms O'Connor - It was not.

Mr Ferguson - Yes, it was.

Ms Haddad - That is certainly not my recollection of that bill.

Mr Ferguson - That is my recollection.

Mr SPEAKER - Order, there should not be an interjection.

Mr Ferguson - I called it the Mugabe bill.

Ms HADDAD - You called it the what?

Mr Ferguson - The Mugabe bill.

Ms O'Connor - It puts caps on expenditure -

Mr SPEAKER - Order.

Ms HADDAD - We are going down quite a wormhole here but I thank the Deputy Premier for that interjection. It is certainly not my recollection of the 2013 attempted legislation by Brian Wightman but as I said I believe that the parliament was prorogued before that legislation completed its course through this place. Since that time, the whole time that Tasmanian Labor has been in opposition - before I was here - and since I have been here we have been calling for significant change. This has been a very long time coming. The bill that has been put by the Attorney-General does represent a very significant piece of work. I want to thank, through the Attorney-General, her department for the work that they put into this legislation and the consultation, which was extensive. There was extensive consultation on the draft legislation and there were two community consultations run over the last five years on the changes that need to happen. It is a good start, but it is not everything that is required to fix our electoral laws.

We often say that Tasmania has the worst donation disclosure laws in the country. I have said it. I have said it in debates in this place on this issue many times and so have my colleagues and members of the crossbenches, the Greens, other parties and members of civil society organisations who have long lobbied for change. In fact, that is not really true at all. We do not have the worst donation disclosure laws in the country, we have no donation disclosure laws at all. They are non-existent.

I have said it before in this place that it came as a shock to me when I was a first-time candidate in 2017 that there was no obligation on me to declare any donation that I received in that election campaign, notwithstanding that it was not a particularly flush campaign. I was surprised. I did not have any obligation to disclose any donation - not to my party, not to the Electoral Commission, and not to the Tasmanian public. Quite frankly, that stinks. It is not good enough. It does not meet public expectations, and it should not meet our expectations as members of parliament. Right now, the only reporting requirements that come anywhere near Tasmanian political parties are the Commonwealth laws. They are, in and of themselves, terrible, and out of date as well, when it comes to the donation disclosure requirements under Commonwealth law.

Under the Commonwealth Electoral Act, it is only donations over $14 500 rising to $15 200 that need to be disclosed and that is not a cumulative disclosure cap, as is put forward in this bill. That is just outright donations. The Commonwealth laws are absolutely ripe for

improvement as well, notwithstanding the fact that they are the only disclosure requirements that affect Tasmanian political parties at the moment. Donations that are received by a state candidate or parties running candidates in the state parliament are a mystery to the Tasmanian people and so is the spending that candidates and parties do on their election campaigns.

All of us who do this job, working in politics, know that we are working in this system at a time when public trust in politics is at an absolute all-time low. People have lost faith in politics and, in many instances, they have lost faith in politicians too. They have lost faith in the public institutions that we, as MPs, are charged with upholding and defending.

People are genuinely worried, and rightly so, about the lack of transparency and accountability that seems to permeate politics at all levels. They are concerned about the level of influence that political donors might have on the electoral process. Without clear and distinct rules, all of it seems to be pretty opaque and mysterious. In my view, there are few things that are more corrosive to the health of our democracy than the perception that money might buy influence but right now in Tasmania, because of our lack of donation regulation, that perception has been allowed to continue and even flourish.

People have lost faith for a range of reasons. Politicians who do the wrong thing, nationally and globally, give all of us a bad rap. They fuel people's understandable cynicism in politics and in our systems of government. Honestly, I think that in Tasmania we do, for the most part, have a pretty good political culture.

A couple of years ago, I introduced a private members' bill on donation reform in this place. I was reflecting on what I said at that time and I repeated it when we were debating a Greens' private members' bill the following the year, which also attempted to change our electoral donation laws. Of course, both of our private members bills did not get supported through this place. I was reflecting on what I said during the debate on both those bills. I said:

> I know that it is not lost on any of the 25 of us who have the honour to fill one of these seats that we have a huge responsibility to represent the voices of more than half a million Tasmanians; their values, their hopes, their needs, and their fears are distilled and hopefully represented in the laws and decisions that are made.

Debate adjourned.

ADJOURNMENT

Veterans' Voice Q&A

[6.00 p.m.]

Ms BUTLER (Lyons) - Mr Speaker, on Thursday 6 October I attended a Veterans Voice Q&A event at the Burnie Arts and Function Centre. The well-attended event was organised by Tasmanian veteran John Findlater, Tom Hanley, the Wynyard RSL sub-branch, Bill Kane, and Ian Lindgren, Vice-Chair of the Peacekeepers Association, who also helped organise the event. Mr Lindgren funded the event as well.

Designed as a Q&A event with a panel of different representatives, I was honoured to be part of that panel alongside the honourable Matt Thistlethwaite, federal MP, Assistant Minister for Veterans Affairs, Senator Anne Urquhart, federal member for Braddon Gavin Pierce, MP, and the honourable Guy Barnett, MP, minister for Veterans. Senator Urquhart's office assisted in organising the event. Also in attendance was RSL Tasmania CEO John Hardy, Luke Brown, from DBA, and Francis Leitch as MC.

This event is one of many which will be held in various locations across regional Tasmania. The forums will allow modern veterans in an inclusive, respectful environment to have a greater voice in generational change in the Tasmanian veteran community. The royal commission interim report has exposed inconsistencies in support services, cultural problems, and difficulties for many veterans integrating back into civilian life.

I personally thank the attendees, the veterans who attended the Veterans' Voice event, and also the people who spoke in front of the panel at that event. It is really not an easy thing to do to stand in front of a panel of strangers and share some of the most personal experiences of your life. That is what some of the veterans and their families provided to the panel that evening. That must have been a very daunting experience for them. On behalf of the Tasmanian Labor Party, I thank them for their honesty and also for their trust in the panel.

According to John Findlater, the aim of the modern Veteran's Voice is to allow our local veteran community to unite as one and define our list of veteran and veteran family issues and place them in an order of priority our community feels is appropriate. These forums will continue around the state. They will be held in regional towns around Tasmania. The concept is to allow veterans an opportunity to come together in an inclusive non-judgemental environment to share their stories, and to also allow for the next generation of veterans to determine the direction they would like move in.

Australian Volleyball League - The Tasmanian Echidnas

[6.03 p.m.]

Mr YOUNG (Franklin) - Mr Speaker, tonight I am talking about Tasmanians' participation in the Australian Volleyball League. Tasmania has a team participating in the national competition for volleyball, the Tasmanian Echidnas. It is great.

The Australian Volleyball League is the highest level of indoor volleyball in Australia, with seven states and territories set to battle it out on a court for the honour of being crowned Australian Volleyball League Champions for season 2022. With 42 games set to be played across 13 venues in seven states, the 2022 AVL season is an action-packed rollercoaster heading toward a final series which we held on the Gold Coast on 3 and 4 December.

After the unfortunate cancellation of the past two seasons, teams from the ACT, New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia will take to the court through the regular season's rounds. This is the first full AVL season in three years.

After playing in the AVL division 2 in 2019, the Echidnas are now ready to challenge the best Australian teams. With a strong representation in the Australian Junior Volleyball Championships, the Echidnas have plenty of talent to develop in their ranks. The Echidnas

have entered both male and female teams in the national competition. I congratulate the president of Volleyball Tasmania, Rachel Kitson, as well as the Echidnas organisation on their participation. To their coaches, John Young and Greg Anderson, the challenge will be great but I know your teams will be up to it.

The Echidnas are already under way and the Storm were their first test in round one, with the South Australian women's side looking to get back to the AVL finals after claiming bronze in 2019 and the men's team chasing a spot on the podium that has been proving elusive since 2015. The Echidnas women proved they are a competitive force to be reckoned with and the men's team also demonstrated strong attack and defence. We had a strong crowd supporting the teams down at Kingsborough on the first day and both days of competition ended on a very positive note.

The second round was in Canberra last weekend against the Canberra Heat, a team that has been in the top two teams for over a decade. The Heat has a lot of depth in its squads, including many Australian players, both past and present. They are a formidable team.

The Echidnas women struggled against the Heat on both days but fought strongly and should be proud of their performance. More exposure to this level will certainly improve our junior development players.

The men were confronted on the first day with a fully loaded Heat squad, with current Volleyroos players taking the court. They went down in three hard-fought sets. The second day was a five-set game fought over two hours. I am pleased to say the Echidnas came out victors, stunning the Heat, who maintained the same line-up as the previous day. It was a history-making moment for Tasmanian volleyball and I congratulate them. Volleyball is another sport where Tasmania is competing on the national stage and the Echidnas are representing not only volleyball but Tasmania exceptionally well.

The next two rounds are at the Moonah Sports Centre on 29 and 30 October, this weekend, against the Melbourne Vipers, followed up the weekend after against the New South Wales Phoenix. I encourage as many people as can to get along to support your Tasmanian team, competing in a national competition and demonstrating we belong. It is a great weekend of sport.

Foxgloves - Impact

[6.07 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, yesterday it was my pleasure to table a petition from 1782 petitioners across Tasmania who are deeply concerned about the impact of the foxglove on the Tasmanian landscape, the weed's march across the Tasmanian landscape.

Foxglove, *Digitalis purpurea*, is an iconic ornamental garden plant native to Europe. It grows extremely easily, particularly in our cool, damp and shady spaces. Each plant, sadly, can produce up to 100 000 seeds and many of these do not germinate for many years. They can sometimes remain dormant for decades, able to regerminate.

The dramatic and rapid spread of foxglove into Tasmanian bushland and pasture, private land, forestry areas and public reserves is made much easier by the huge number of seeds that

each plant produces and the ease with which each of those seeds can germinate in our climate, being distributed by wind or water, through garden waste, on the backs of bumble bees, on the fur of wildlife and in machinery as it is being transported between properties. The ability of seeds to germinate for many decades after they have been spread is another serious issue.

The fact that it is not listed or known as an invasive weed is the top-order concern. Despite its very beautiful and appealing appearance to many, it is highly toxic and contains compounds that can have an effect on the heart and cause severe illness or death, a cardiac glycoside, digitoxin, that can be absorbed through the skin. If that happens, it could be extremely poisonous. It is toxic to humans and animals, and hay contaminated by foxgloves is a problem for livestock as well as the danger that the plant poses to native wildlife.

Foxgloves are rapidly crowding out other plants. A group of dauntless Tasmanians, spearheaded by people like Jim Godfrey, Tony Wilson and Dr Liz Sharpley, among many others, have banded together out of pure love of unspoilt natural Tasmania to try and combat the spread of foxgloves. They have developed a dedicated Facebook group where members can report locations of foxglove sightings. That has been collated into a map of the huge extent of foxglove sightings across Tasmania by the group's administrator, Jim Godfrey.

Tony Wilson, in the group, has also compiled a website of information and tips on how to deal with the foxglove infestation and useful tips like where to start removing them, when to carry out each step of removal and the different methods and approaches to removing and reducing its spread.

The group has reached out to CSIRO and started working with scientists there to identify a potential bio-control agent that could be developed to manage foxgloves. They include specific species of moth caterpillars that feed on foxgloves.

The work these dedicated Tasmanians have done on their own is impressive and it shows the extent of their concern about the uncontrolled spread of foxglove across the landscape.

Their request is simple, as were the petitioners who signed the petition: for minister for Primary Industries, Jo Palmer, to list foxglove as a declared weed under the Weed Management Act 1999 because of its damaging impact on Tasmania's landscape, flora, fauna and humans. That would prevent, among other things, nurseries from selling foxgloves plants and seeds, which, horrifyingly, they still do. It will allow councils to use their weed management budgets to directly target foxgloves and start to bring this problem under control.

If listed as an invasive weed, infestations can be properly identified and notices issued to landowners requiring them to remove the plant and protect the native wildlife and livestock in the area. Weed management plans would need to be developed and enforced. Inspectors would be able to issue infringements and penalties if there are breaches of a requirement notice, or other regulations relating to foxgloves. Importantly, we will be able to start bringing the spread of this invasive and toxic plant under control and eradicate it.

This is all volunteer work, and the passion of those 1782 people who signed that petition registering their concern should not be in vain. We will continue to advocate with Ms Palmer on their behalf and on behalf of us all who want to live in an invasive weed-free landscape. We will be encouraging her to take the step required. It is a very simple and obvious step

because of the nature of this weed and the threat it poses to humans, flora and fauna, and also to livestock. This is the right thing to do and it should be done as soon as possible.

Tasmania's GST Receipts

[6.14 p.m.]

Mr WINTER (Franklin) - Mr Speaker, I rise to talk about the pending GST issue for Tasmania that is very concerning. When I woke up this morning, and read the *Mercury* as I started my day, and read from the Treasurer of Tasmania, that: 'I am very pleased Tasmania is receiving a far better than expected revenue on GST. We deserve that. We have earned it. We have worked damn hard for it,' I wondered if the Treasurer knew how the GST actually worked.

That is not how the GST works. It is a very complicated formula and it involves a whole number of inputs that are very important for Tasmania. In fact, as the *Mercury* points out, a very large percentage of Tasmania's revenue comes from GST. It needs to be pointed out, potentially to the Treasurer, that it is not his actions that have seen an uplift in the GST, it is actually about the pool growing.

It is not the issue of this year's GST that concerns me, it is the issue of the GST once the no-worse-off guarantee finishes in only a few years' time. The no-worse-off guarantee will finish in 2027 and that is a concerning time. It is also the time when the Mersey Hospital funding deal is due to expire although we understand it may finish a little bit earlier than that.

The deal that the former treasurer and premier, Peter Gutwein, and this Liberal Party signed Tasmania up to is a dud deal for Tasmania. It is the most concerning and pressing fiscal concern that this state should have because the new deal that the government signed up to, the new funding methodology that the Turnbull/Morrison government put in place at that time is something that has undermined federalism in Australia, has undermined the ability for Tasmania to provide the services that Tasmanians require in this state and it is a disgrace that we had a government that rolled over to Canberra at that time and did the deal. That must be the worst deal that a Tasmanian government has ever signed up to.

The treasurer of Tasmania, at the time Peter Gutwein, said:

> The new distribution model put forward by the Commonwealth, based on its modelling, will leave Tasmania $112 million better off through to 2026-27.

It was reported at the time that it was a good deal and that Tasmania was going to be better off. Tasmania is not better off by this deal, in fact it is a huge risk, not only a risk to the budget, it is a risk to services, to health, education: every service that this government provides is under threat by this deal. It is a deal that Tasmania should never, ever have signed up to. This government should never have given into Canberra on this.

We should have fought it tooth and nail, all the way and that is what state Labor did here. The former shadow treasurer Scott Bacon, and the Leader of the Opposition Rebecca White, never gave in to this and I am proud that we did not. It is important that we have a government in Tasmania that is always fighting for Tasmania's interest because that is not what happened at the time.

Words to the effect from the Premier over the last two days have been that because of the Government's so-called good financial management, we have been able to invest more in health and education. The budget has never been in a worse position. This year the budget forecasts a deficit of about half a billion dollars. We have had record deficits over the past four years delivered by this Government. We have a Treasury making a long-term forecast that net debt could get as large as $30 billion by 2035. That is the financial situation that this Government is in and not only a financial situation for this budget, but a financial situation that could potentially get worse because of the deal that this Government signed us up to.

It is a very concerning situation that our state finds itself in, through this GST deal. It is a dud deal that this Government signed us up to and it needs to be more honest when it explains how the GST works or at least understand how the GST works when it comes to what I read in the paper today. This is a massive issue for Tasmanians.

This morning we heard the LGH was not able to provide services at an adequate level last night to patients in Launceston. We know of the issues on the north-west coast and we know of the rampant ramping that has been occurring at the Royal Hobart Hospital for years. The only excuse that the Premier and part-time Health minister can give is that demand keeps growing. Every time demand goes up, he is surprised by it.

You would think after nearly a decade in government, this Government, this Premier, this part-time Health minister would understand that demand continues to go up because that is what happens every year.

We have a budget this year that does not appear to provide any additional funding for health, for education and in fact there appears to be cuts. There is an annual report tabled today by Treasury and Finance that the Treasurer wants to say makes things look rosy. It does not. Just because it is not quite as bad as last year does not mean it is not bad.

The financial situation that this Government, through its fiscal management, has got this state into is a concern. We have public servants who are struggling with rising costs of living through the highest inflation in Tasmania since 1987. We have a government that is offering them less than half of inflation when it comes to their wages. We have services that are failing too many Tasmanians and we have a government that refuses to acknowledge the fact that it has not managed our budget or our services properly over almost a decade now.

The House adjourned at 6.20 p.m.

Appendix 1

RESPONSE TO PETITION

Petition No. 3 of 2022
House of Assembly

The petitioners ask the House to:

- Ambulance Tasmania has the worst response times in the Country.
- Ambulance Tasmania currently operates from 51 sites across the State.
- 37 of those sites rely on the goodwill of volunteers to complete the emergency response model.
- 13 of those 37 sites operate as volunteer only response without qualified paramedics.
- Single officer response from paramedics or volunteers always requires another ambulance to be dispatched for backup. This then results in two stations within the community without coverage.
- Australian Paramedics Association Tasmania (APA TAS) believes that all Tasmanian citizens deserve a qualified paramedic at their side when they most need it.
- All of our hardworking volunteers deserve full support and training from paramedics at all sites.
- APA TAS advocates for an increase in the number of salaried stations and staff in order to:
    - o Reduce response times
    - o Minimize single officer response
    - o Keep up with the expansion and meet the demand o metro workloads and
    - o Provide safer rosters and safer working conditions for all staff.

Your petitioners, therefore, request the House to approve the appointment of an additional 229 full time employees (FTE), which consists of an immediate recruitment of 119 FTE followed by the subsequent employment of an additional 110 FTE and supporting resources over a period of 3 years for a total of 188 frontline paramedics, 16 State Operation Centre staff and 25 non-operational support staff.

MIN22/

GOVERNMENT POSITION:

RESPONSE:

- The Tasmanian Government continues to prioritise Health and the 2022-23 State Budget includes record health funding of $11.2 billion over four years, which will see an average health spend of $7.25 million per day; representing one third of the Budget's total operating expenditure.

- As part of our investment into health, we are also investing in Ambulance Tasmania. The 2022-23 Budget fully funds 48 additional paramedics announced at the 2021 State Election. The implementation of these positions was brought forward in response to COVID-19 and are now funded permanently.

- The budget also allocates $6.6 million to employ an additional 11 paramedics across Huonville and Sorell in response to the increasing demand we are seeing across these areas.

- Since March 2014, the Tasmanian Liberal Government has employed an additional 270 FTE staff within Ambulance Tasmania. This is an increase of approximately 41% since coming to Government.

- This includes upgrading the New Norfolk station to a career station and upgrading a number of single branch stations to double branch stations including Wynyard, Deloraine, George Town, Beaconsfield, Sheffield and Dodges Ferry.

- Ambulance Tasmania is also supported by approximately 400 active Volunteer Ambulance Officers who are integral to the provision of emergency medical responses in rural and remote communities across Tasmania.

- The Tasmanian Government is working with the Volunteer Ambulance Officers Association of Tasmania to develop an appropriate and well-informed education curriculum for qualified volunteers.

- The Government also committed to undertaking a review into ambulance service demand across the State to assess the future needs of communities in Tasmania.

- This work has commenced, and the outcomes of the review will help ensure that future investments are determined using evidence on where best to expand and deploy new services.

Jeremy Rockliff MP
Premier
Minister for Health

Date: 5/11/22

Appendix 2

Cabinet Office ref:
PET22/7YHA

RESPONSE TO PETITION

Petition No. 9 of 2022
House of Assembly

The petitioners ask the House to:

Despite the best efforts of healthcare professionals, the health crisis has continued to deepen. Chronic understaffing is placing enormous strain on nurses and midwives and putting patients at increased risk. The health system is now wholly reliant on the use of overtime shifts and agency staff. This puts unfair demands on healthcare workers, has a negative impact on patients, and is a grossly inefficient use of taxpayer funds. How the health system and workforce would cope with a serious COVID-19 outbreak is unclear. Despite this, the government has been reluctant to take meaningful, urgent action. Everyday of delay sees staff conditions deteriorate further, and patients at greater risk.

Your petitioners, therefore, request the House to call on the Tasmanian Government to immediately implement measures to support the recruitment and retention of health workers. These need to include:

- a commitment to fully staffing the health system
- permanently filling every vacant nurse and midwife position
- employing the additional clinical nurse educators and clinical coaches required to ensure proper clinical support for all staff
- increasing base salary of nurses and midwives comparable to other jurisdictions

MIN22/1664

GOVERNMENT POSITION:

RESPONSE:

- Workforce pressures are being experienced across all health care systems nationally and globally.
- In response, the Government has announced a range of measures to support the recruitment and retention of health workers, with a commitment to fully staffing the health system and permanently filling every vacant nurse and midwife position.
- From the beginning of the pandemic between July 2020 and August 2022 we have funded an increase of over 1,500 paid FTE across the Department, with almost 900 of those in the last financial year with a majority being front-line health professionals.
- We have proposed a $2,000 pro rata, one-off Frontline Health COVID-19 Allowance to relevant THS and Ambulance Tasmania staff in hospitals, inpatient units and ancillary health care units. This includes Nurses, Midwives, Doctors, Allied Health professionals, Orderlies, Ward Clerks, Food Services, Cleaners and Ambulance Tasmania Paramedics.
- To encourage nurses and midwives back into the Tasmanian Health Service, the Government has proposed a Return-to-Work Bonus of up to $2,000 per person for any Ahpra-registered health professional who has resigned from the Department of Health/Tasmanian Health Service in the 12 months prior to 31 July 2022.
- To ensure this promotes retention, the bonus will be paid as a $1,000 (pro rata) sign-on bonus, with the second $1,000 (pro rata) paid after six months if the nurse or midwife is still employed on this date.
- Our offer to bring forward wage negotiations for the next round of the Nursing and Midwifery Agreement still stands.
- To further support recruitment and retention within the nursing workforce, I have asked the Department of Health Secretary, Kathrine Morgan-Wicks, to lead a Strategic Nursing Recruitment and Retention Working Group, to recommend other measures to be considered as part of our strategy to support workforce need within the Tasmanian health system.
- Part of this work will involve workforce modelling to estimate the required staffing for pandemic peaks, which will allow for acceleration of deferred care in pandemic troughs.
- Strengthening our current Enrolled Nurse (EN) workforce is another key initiative that will consider all current vacancies for opportunities to employ ENs where clinically appropriate.
- Additional support roles including Clinical Coaches will be a key consideration for the proper clinical support for all staff, particularly in those areas where there are early career nurses. This will create a more supportive practice environment.

- We will reform the Statewide Nursing Transition to Practice Model, providing a fast-track pathway to make a job available for all UTAS nursing graduates, accelerating probationary periods and streamlining selection processes, significantly saving the time of our senior nursing staff.

- The Government has proposed that negotiations commence for a new Nurses and Midwives Agreement that will include wages provisions, should this be acceptable to unions and their members.

- At the outset, I recognise that health workforces nationally, if not globally, are experiencing incredible strain and pressure as the COVID-19 pandemic continues to impact our hospital and health services.

- Ensuring retention of our health workforce is a long-term challenge that all health systems are facing and with that in mind, the measures demonstrate the Government's commitment to addressing the challenges being faced by our health care workers across our health care system.

Jeremy Rockliff MP
Premier
Minister for Health

Date: 24/8/22

Appendix 3

RESPONSE TO PETITION

Petition No. 13 (100-22) of 2022
House of Assembly

The petitioners ask the House to:

The petition of the undersigned Residents of Tasmania draws to the attention of the House:

- The inherent failure of the 'Unlock the Parks' policy and the Expressions of Interest (EOI) process designed to facilitate development in the Tasmanian Wilderness World Heritage Area (TWWHA) and Tasmania's national parks.
- The Reserve Activity Assessment (RAA) process is flawed, opaque and lacks genuine public consultation.
- Widespread public opposition to private tourism developments within the TWWHA exists and has been consistently expressed.
- UNESCO's request for a detailed plan for a Comprehensive Cultural Heritage Assessment of the TWWHA before any development is considered has not been met.
- Signing public land over to private interests in secret leases and licences fails to properly respect the expectations of the community.

Your petitioners, therefore, request the House to call on the Government to abandon the Expressions of Interest process and halt all proposals currently being considered under the Reserve Activity Assessment process until a statutory assessment and approval process for private tourism developments in Tasmania's national parks is implemented.

GOVERNMENT POSITION:

Rejected.

RESPONSE:

- The government appreciates the passion with which our unique parks and reserves are treasured and takes its responsibilities for managing Tasmania's extensive reserve estate very seriously. It also understands the importance of our tourism industry to our economy and local communities and families.
- The Tourism Expression of Interest (EOI) process that was implemented in 2014 was designed to enable the development of sensitive and appropriate visitor infrastructure and tourism experiences within Tasmania's national parks, reserves and Crown lands.

CA

- The EOI process strikes the right balance as a first level filter to encourage sensitive and appropriate tourism development in our natural areas by inviting proposals that will provide best practice environmental tourism and broaden the range of unique experiences on offer in our parks and reserves. The process delivers positive benefits including jobs creation, that support our regional economies by expanding visitation to the State and our parks.

- All proponents must demonstrate that their proposals meet strict conditions specifically designed to ensure the outcomes are environmentally sustainable and appropriate for their location.

- The EOI process is not a simple "tick and flick" exercise. If a proposal is recommended to progress through to the assessment process, it must then gain all relevant approvals.

- Any proposed development on public land is subject to a multi-level assessment and approval process. The proponent must meet all the required local, State and Commonwealth planning and approval processes in order to progress the proposed concept, which may include assessment under the Parks and Wildlife Service (PWS) Reserve Activity Assessment (RAA) process.

- Projects that have been approved to proceed via the EOI process to date will provide investment in Tasmania of over $85 million and will create 273 full-time equivalent jobs when fully realised. From the Maydena Bike Park in the Derwent Valley to Blue Derby Pods Ride in the north-east and Freycinet Eco Retreat on the east coast, the EOI process has turned great projects into great successes. These types of sensitive developments and unique experiences draw visitors who share our respect for the environment to our State.

- The RAA process has undergone a thorough review resulting in a program of significant enhancement. In addition, the Tasmanian Government is invested in increasing transparency and public consultation and has committed $6.49 million over four years as part of the RAA Reforms Project.

- The outcomes of this project include developing amendments to the National Parks and Reserves Management Act 2002 (NPRMA) to recognise the RAA process as a statutory process, underpinning an improvement in transparency and opportunities for public comment and appeals.

- A consultation paper is being prepared for release in early October to outline, and see feedback on, the Government's proposed approach to the amendments and to seek input to assist in the development of the draft Bill.

- Targeted stakeholder consultation will accompany the release of the consultation paper.

- Importantly, the assessment and approvals processes consider local, state, national and international obligations, whereby projects may also be referred to the Australian Government to determine if assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) is required. The EPBCA requires any proposal within the TWWHA to have regard to the protection of the Outstanding Universal Values with the State Party (being the Australian Government) notifying the UNESCO World Heritage Committee (WHC) of any proposals that may cause significant impact to

World Heritage properties, including the TWWHA on a quarterly basis, which fulfils the requirements of the WHC.

- Understanding those values is an ongoing process, and it is in this context that the Detailed Plan for a Comprehensive Cultural Assessment of the Tasmanian Wilderness World Heritage Area (the Detailed Plan) is underway, and Tasmanian Aboriginal people are also closely involved in this ongoing process.

- The Plan identifies 10 packages or projects designed to strengthen the understanding and management of Aboriginal cultural values in the TWWHA. The Detailed Plan is a multi-year plan that is scheduled for completion in 2028. Aboriginal Heritage Tasmania (AHT) is currently delivering five projects under the Detailed Plan.

- Requests from UNESCO regarding World Heritage management – including the referral of proposals for consideration -- are a matter for the relevant State Party.

- I understand that the State Party has informed the World Heritage Centre of the considerable work that has been delivered on a Comprehensive Cultural Values assessment for the TWWHA and has received further clarification on the intent of the recent decision.

- Proposals within the TWWHA do not need to be put on hold while this work continues. The WHC clarified this matter in a letter to the Australian Government in October 2021, noting that 'any development' should be interpreted in the spirit of Paragraph 172 of the *Operational Guidelines for the Implementation of the World Heritage Convention*.

- The Auditor-General's 2020 review of the Tourism EOI process concluded that the EOI Process is effective, consistent and transparent.

- The Tasmanian Government is absolutely committed to continue to be open and transparent about the process, while respecting the confidentiality requirements which protect participants' intellectual property, and also ensuring that we continue to operate strictly in accordance with probity guidelines.

- We have also committed to further improvement, and we are implementing the Auditor-General's recommendations alongside other changes. Key enhancements include the following.

    - Ceasing any opportunity for potential land banking practices.

    - Reshaping the Tourism EOI Assessment Panel to include a broader range of insights and experience.

    - Building on the existing process where the Assessment Panel seeks advice from Aboriginal Heritage Tasmania (AHT), Mineral Resources Tasmania (MRT), and Parks and Wildlife Services (PWS) on every proposal.

    - Increasing the amount of information made publicly available on all submissions that have moved through the Tourism EOI process first stage and been recommended to

move to assessment as part of the next stage, which is available on the OCG's website at www.cg.tas.gov.au

- Through the continuation and enhancement of the Tourism EOI process we are helping to revitalise regions by attracting more visitors, helping to ensure visitors stay longer, spend more and travel more widely across the State.

- This process delivers unique experiences and provides employment opportunities for those seeking to work within Tasmania's natural and spectacular environment. We are meeting the Tasmanian community's clear expectation – expressed at each of the last three elections – that we will manage and showcase our State for the benefit of all Tasmanians.

- The Tasmanian Government remains committed to delivering the Tourism EOI process and the important role it plays in delivering tourism projects in the state while upholding natural and cultural values.

Hon Guy Barnett MP
Minister for State Development, Construction and Housing

Date: 27/9/22