Thursday 22 November 2018

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

QUESTIONS

Commissioner for Children and Young People - Right to Information Requests

Ms WHITE question to PREMIER, Mr HODGMAN

[10.02 a.m.]

Your Government announced on Monday that you had appointed a new Commissioner for Children and Young People, who had held a political appointment with your Deputy, Mr Rockliff for the past five years. Yesterday, your Government tabled in this parliament a miscellaneous amendments bill that introduced changes to various legislation including the Ambulance Act, the Disability Services Act, the Health and Mental Health Acts, the Pharmacy Control Act and the Poisons Act. Sufficiently buried at page 5 of this bill is your Government's intention to amend the Right to Information Act to exclude Tasmanians seeking information from the Commissioner for Children and Young People. Can you honestly stand here today and claim that this is a coincidence, or is this you deliberately attempting to shield your Government from further scrutiny?

Members interjecting.

Madam SPEAKER - Order.

ANSWER

Madam Speaker, I thank the member for the question. I note that the appointment made, which has been appropriately handled by Government, will fill a very important function for our community via the Office of the Commissioner for Children and Young People. It is a responsibility and a role that has been filled by the applicant best qualified, somebody we are very confident will be able to serve in this position with exemplary fashion. Once again, we have a tarnishing of a reputation of someone who is not in this place and is required to fulfil those important functions with due disregard from members opposite as to the impact that might have on public confidence and on those who have a genuine interest in the welfare of our children and in the children's commissioner.

I could not help but notice another dishonest claim by the honourable member for Elwick who was making assertions with respect to the outgoing children's commissioner as to the reasons he left his position. He made very clear why, and complimented the former minister with respect to her handling of the portfolio and their interactions, but it will not stop the member for Elwick verballing the former children's commissioner. Now we have the latest iteration and that is the current Opposition Leader trying to undermine a new appointment.

In relation to the amendments brought forward, they bring the Commissioner for Children and Young People in line with other offices in the same section including the Ombudsman, the Anti-Discrimination Commissioner, the Custodial Inspector and the Health Complaints Commissioner.

These offices all hold confidential and sensitive information, much of which is sourced from other public authorities which is subject to right to information.

It is appropriate that the source, public authority, respond to any right to information request, given their operational responsibility for it. Like all such offices, this amendment does not prevent a person from seeking information relating to the administration of the office under right to information.

I hope that clarifies the circumstances for the Leader of the Opposition. We hope they will appreciate - whilst they are so often reckless with using people's names, their reputations, any information they can get, often unfounded or things brought before this parliament to cause some political disruption - that they are playing fast and loose with this office and with the right to information processes.

What is consistent with the Ombudsman, the Anti-Discrimination Commissioner, the Custodial Inspector and the Health Complaints Commissioner, all of which contain sensitive information, is that information will be appropriately handled to protect the people who are involved in interactions with those offices. In Opposition, you can be all care and no responsibility and we have seen that with legislation being debated in this place this week. When it comes to protecting the rights of individuals, including our children outside of this place, we will not allow them to be used as political play things by this Opposition.

Commissioner for Children and Young People - Independence of Office

Ms WHITE question to PREMIER, Mr HODGMAN

[10.07 a.m.]

You have wilfully and blatantly politicised the Office of the Commissioner for Children and Young People by appointing a long-term political staffer.

Members interjecting.

Madam SPEAKER - Order, please, can we hear the question?

Ms WHITE - You are now conveniently attempting to exempt this position from right to information when it has never been excluded before. Will you acknowledge that your Government has interfered and removed the fundamental need for the commissioner's role to be entirely independent from Government and free from political interference, and that you also intend to protect your Government and the commissioner from public scrutiny?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for asking exactly the same question. It is not the first time the Leader of the Opposition has asked me the same question twice this week. I have answered it in very clear fashion and explained the reasons for it. The selection process with respect to the children's commissioner was appropriately handled -

Mr O'Byrne - Dodgy. You compromised it.

Mr HODGMAN - It was what? You are not strong enough to yell it out now. It is now on the record that the Opposition have asserted that process to be 'dodgy'. Well, it was not.

Members interjecting.

Madam SPEAKER - Order. This is a really bad start to the day. We are only minutes into the debate and I expect a bit more decorum from both sides of the House.

Mr HODGMAN - Thank you, Madam Speaker. It is an appalling politicisation of this important appointment and this important position. It is an appalling indictment on the processes and the systems that need to be put in place to ensure protections for those in our community, which includes children, so that they cannot be used, as they so often are, by political parties - and I look to you - as political playthings.

The same question was asked and I will repeat the same answer and facts so anyone who is listening to what the Leader of the Opposition asserts can be assured of the facts.

The amendment brings the Commissioner for Children and Young People in line with other offices in the same section, including the Ombudsman, the Anti-Discrimination Commissioner, the Custodial Inspector and the Health Complaints Commissioner. These offices all hold confidential and sensitive information, much of which is sourced from other public authorities that are subject to Right to Information. It is appropriate the public authority responds to any Right to Information request given our operational responsibility for it. Unless the members opposite disagree, that is entirely appropriate. This amendment does not prevent any person from seeking information relating to the administration of the office under the Right to Information.

It is a spurious claim being put by the Leader of the Opposition. It is designed to further politicise the office of the children's commissioner. It has no foundation and it does no credit to the Leader of the Opposition.

Recognition of Visitors

Madam SPEAKER - Honourable members, I acknowledge the presence of the Adult Migrant English class from TasTAFE.

Liberal Party - Progressive Policy Obstacles

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.11 a.m.]

Do you agree with your Speaker that the Liberal Party has a strong right-wing Christian element? Do you agree this right-wing element within your party, both at a state and federal level, is an obstacle to progressive policy and a fairer Tasmania? We note the presence of Senator Abetz in this building during the two days that amendments to the Births, Deaths and Marriage Act were on the agenda. Do you agree hard-line conservatives are holding Tasmania back? Who runs the Liberal Party, you or the extreme right?

ANSWER

Madam Speaker, I thank the member for the question. It is often said of the Liberal Party that we are a broad church. That is good because we reflect the views, aspirations and opinions of so many Tasmanians - so many more than voted for you at the election eight months ago. It is a fact often ignored by members opposite that Tasmanians had their chance to vote on who they thought should form the next government 264 days ago and they voted in another majority Liberal government.

When you talk about being progressive, I point to the progress we have made as a state over recent years, including those in which we have been in government, most notably the strong economic performance our state now enjoys; the progress that has been made getting 15 000 Tasmanians back into work; the progress we are making on rebuilding our health system, which was in disrepair four years ago, or improving our education standards, which were the worst in the country. We are now getting more kids into schools across our state and improving their educational opportunities. How is that for progress? That is progress under a majority Liberal government.

We are progressing major infrastructure upgrades. We are progressing our vision for Tasmania to be the nation's renewable energy battery. We are progressing our reforms to reduce cost of living pressures for Tasmanians, whether it be power bills or through other supports we are providing to them. We are progressing the great opportunities for further economic growth by improving the opportunities for young Tasmanians to enter the skilled workforce, for Tasmanians businesses to take on apprentices. Our communities are safer thanks to more police, police that we sacked under the former government.

There is much happening in our state. There is a lot to be excited about and much more to be done. We are focused on that. We are not going to engage in the political playtime that so often consumes members opposite. We are getting on with the job of delivering our plan. It is delivering results.

Year 11 and 12 Extension Policy - Update

Mr HIDDING question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.14 a.m.]

Will the minister please inform the House on how senior secondary opportunities are being embraced by the community throughout Tasmania, with the Hodgman majority Liberal Government's successful year 11 and 12 extension policy?

ANSWER

Madam Speaker, the Hodgman majority Liberal Government has a plan to lift education and attainment. One of the centrepieces is extending our high schools to years 11 and 12 by 2022. This key Government policy is about providing the right mix of senior secondary education opportunities and curriculum opportunities that meet the individual and diverse needs of every student. Communities around the state have embraced our program to extend high schools to years 11 and 12, with 38 schools making the move so far and another five schools to make the move in 2019. We know our plan is working as more students are staying in school longer and achieving better results. Year 12 attainment, measured through the attainment rate of the Tasmanian Certificate of Education, is the highest on record at 58.9 per cent, up more than 10 per cent since Labor and the Greens were in government. The apparent retention rate of students to year 12 now stands above 74 per cent.

Under the previous government, Tasmania's year 10 to 12 apparent retention rates were the lowest of any state, and they were going backwards. The schools that will be extending in 2020 include Kingston High School in partnership with Huonville High and Hobart College; New Town High School in partnership with Elizabeth College; Ogilvie High School in partnership with Elizabeth College; and Dover District School will continue to work in partnership with Huonville High and strengthen its links with Hobart College. It is very pleasing -

Mr O'Byrne - So most of them are closing because of the industrial action?

Madam SPEAKER - Order, Mr O'Byrne.

Mr ROCKLIFF - It is very pleasing to see a range of innovative partnership delivery models developing between colleges and high schools. The key word is partnerships. I had the pleasure of meeting with eight of the college principals last week. They are very excited about their contribution to senior secondary curriculum, their partnerships with high schools and the benefit to senior secondary students. The partnerships that have emerged through this important initiative will offer senior secondary students more choice, to ensure they can complete their education no matter where they live in the state and provide a range of options for students to complete years 11 and 12. We have far exceeded our original commitment to have 21 schools extended to years 11 and 12 by 2018, which is part of our plan to keep more young people engaged in education longer and help create a job-ready generation for the future.

Our investment in the past four years has been significant, with 38 high schools extending to years 11 and 12, the re-introduction of school nurses, 142 more teachers and more than 63 more support staff, including psychologists, social workers and speech pathologists. The majority Hodgman Liberal Government knows that a good education provides the best chance to pursue a happy and fulfilling life. We want to ensure every Tasmanian student -

Members interjecting.

Mr ROCKLIFF - Madam Speaker, the member keeps interjecting.

Madam SPEAKER - Order. That is an official complaint, Ms O'Byrne. You are on warning number one.

Mr ROCKLIFF - When it comes to education, the member is about the politics of division and creating a divide between colleges and high schools. What we are talking about is senior secondary curriculum as a whole, providing students, whether they be in high school, college, or a combination of both, with the best opportunity of getting a quality, well-paid job by extending to years 11 and 12. The longer our kids can stay in school the healthier they will be and the better their opportunities will be for well-paid work and of being positive contributors to Tasmania's community.

Commissioner for Children and Young People - Independence of Office

Ms WHITE question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.19 a.m.]

What possible convincing or believable argument can you offer for appointing a political staffer of your choosing to be Commissioner for Children and Young People and then 48 hours later announcing that the secrecy which characterises this Government will now go to the next level by

preventing journalists, political parties and in fact any Tasmanian from scrutinising this office through the right to information process?

ANSWER

Madam Speaker, I thank the member for her question. I am happy to reiterate that Leanne McLean was recommended and appointed as the new Commissioner for Children and Young People because she is the best person for the job.

I am happy also to comment in relation to the inclusion of this partial exemption in the bill that was mentioned before regarding RTI. On the basis of advice from the department, the fact that the commissioner has ever been subject to RTI was an oversight during the drafting of the Commissioner for Children and Young People Act 2009 in the first place. As to the drafting of the amendment, the Office of Parliamentary Counsel has advised that this was the appropriate amendment to reflect the intention. Further, I am happy to refer to and table a letter from the interim Commissioner for Children and Young People which refers to a request from his predecessor, Commissioner Morrissey, who had written to the then acting Attorney-General Matthew Groom asking that consideration be given to exempting the Commissioner for Children and Young People from the operation of the Right to Information Act 2009. I am happy to table that letter.

Madam Speaker, these are the reasons for the changes being made. It is entirely appropriate that the sensitive information regarding investigations that the Commissioner for Children and Young People maybe making can be protected as well.

Government-Owned and Public-Owned Assets - Sale

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.22 a.m.]

On coming to office in April 2014 you said, 'Let me be clear, we will not be selling any government or public-owned assets'. Five years later you have flogged 29 000 hectares of public plantation forest for substantially less than it cost taxpayers to establish them; introduced special enabling legislation to hand over the pinnacle of kunanyi to the Mt Wellington Cableway Company; announced plans to sell the historic Treasury building; entered into a secret, long-term lease to privatise Halls Island at Lake Malbena in the World Heritage Area; privatised vast tracks of public waterways for fish farm companies, and now Elizabeth Street Pier is to be sold off.

At no point were the true owners of these assets, the Tasmanian people, consulted. How can you justify misleading the Tasmanian people in 2014 about your Government's rampant privatisation agenda?

ANSWER

Madam Speaker, I thank the member for Clark for her question. I am just getting a list of assets that were sold under the former Labor-Greens government, which I am happy to refer to as well. I make the point that all good governments sell assets that are no longer fit for purpose or that can be better utilised by others, and buy new ones that better serve the Government or the community. That is what drives this Government to repurpose properties, assets, that are no longer serving the best possible fit for purpose to our community.

The particular matter referred to involves the Government divesting itself from the Elizabeth Street Pier. In our view, it is simply not core business for the Government to own 56 serviced apartments, a conference centre and hospitality venues in the middle of Hobart. In our view, government should not conduct business of this type or provide services at the site. It is considered by this Government that its capital would be better invested in the Macquarie Point precinct renewal, which we all want to see progressing; the decommissioning of the wastewater treatment plant, which has long been a thorn in having that occur at Macquarie Point, but we now have a positive way forward thanks to the excellent work of the Treasurer and Minister for State Growth; and in commencing the development of the arts and cultural precinct in line with the MONA vision at Macquarie Point. They are laudable objectives and a far better use of the property in question but also the asset that will be realised to ensure that Tasmania continues to progress as it is under this Government.

All governments sell assets from time to time that are not core business. Again, I am happy, as the Treasurer has done previously, to read through the list of assets that were disposed of by the former government of which the member who asked the question was a member, and to point again to the fact that it is hypocritical of members opposite to be so critical of this Government in seeking to repurpose -

Ms O'CONNOR - Point of order, Madam Speaker, on relevance. This is about a promise the Premier made to the people of Tasmania. The question is, how can you justify misleading the Tasmanian people?

Madam SPEAKER - It is not a point of order, unfortunately, until we fix standing order 45.

Mr HODGMAN - Madam Speaker, I have made very clear that the justification for us doing these things, and certainly in the instance the member has referred to, is for the benefit of our community and that is what will occur here. If the Greens are seriously making an argument for the state to continue to own a property that contains 56 serviced apartments, a conference centre and hospitality venues, I do not think anyone would believe it given the recent attacks the member for Clark has made on Tasmania's strong tourism industry, but it shows how out of touch they are with what we are doing to better provide for Tasmanians and to better advance important agendas such as the redevelopment of Macquarie Point.

Ms Sarah Courtney MP - Breach of Ministerial Code of Conduct

Ms O'BYRNE question to MINISTER for RESOURCES, Ms COURTNEY

[10.27 a.m.]

Yesterday you were asked twice if you had used the secret encrypted message service WhatsApp within your office and to communicate with the Premier's office in a deliberate attempt to avoid scrutiny. You failed to answer. I ask a third time so that you can now answer this and advise this House. Did you use WhatsApp while you were being investigated over your confirmed breach of the ministerial code of conduct and, importantly, did those communications form part of the evidence provided to Ms Jenny Gale for her investigation?

ANSWER

Madam Speaker, I thank the member for the question. The real question Tasmanians are asking is whether Ms White and Ms O'Connor used WhatsApp when they were cooking up backroom deals

behind closed doors. The hypocrisy from Labor! It is one rule for them and one rule for everybody else in the community. It is just ridiculous.

Mr O'Byrne - And you hid a relationship with the head of your department for a month.

Madam SPEAKER - Order.

Ms COURTNEY - Madam Speaker, it is not news to anyone that we are actually in the twenty-first century now. I communicate with -

Ms O'BYRNE - Point of order, Madam Speaker, under standing order 45, relevance. Question time is an opportunity for us to ask ministers of the Crown questions relating to the management of their portfolios. The use of WhatsApp during this relationship and provided as part of the investigation is a matter of ministerial responsibility. It is not a comment on normal digital platforms.

Madam SPEAKER - I accept you are reiterating your point. You all know the frustrations I have with standing order 45. I cannot instruct the minister to answer the question in any way other than she sees fit.

Ms COURTNEY - Thank you, Madam Speaker. As I was saying, we are in the twenty-first century, so when I communicate with family, friends, colleagues and constituents I use a range of methods - text message, iMessage, Facebook, Skype, WhatsApp, sticky notes, even the old-fashioned way of picking up the phone and making phone calls. It is just a preposterous conspiracy theory. I am wondering when they were in government and had face-to-face conversations whether they were doing this just to avoid scrutiny.

I confirm that I communicate in a range of messages to a range of people. I can reiterate the statement Damien Bugg made:

> The Premier authorised me to undertake the necessary enquiries to inform my advice and when I completed my enquiries to the extent which I regarded as necessary I reported to the Premier with my conclusions, which have been published …
>
> … no restrictions were placed on him …
>
> If I had required further time or information I would have requested it.

Mr Bugg could not have been any clearer about the investigation. We also know they are now slurring Mr Bugg's ability to conduct the investigation, and the head of the State Service, Ms Gale to conduct her investigation. She wrote to the Premier and the Premier has released that letter. The Labor Party has truly nothing to offer. It is another conspiracy.

Ms O'Byrne - Answer the question. You have to be honest.

Ms COURTNEY - They can yell across the Chamber and they can ask questions over again. I communicate with a range of people, to colleagues, to constituents, to family and to friends using a range of methods. I have in the past and I will in the future.

Proposed Industrial Action - Effect on Tasmanian Police

Mr SHELTON question to MINISTER for POLICE, FIRE and EMERGENCY SERVICES, Mr FERGUSON

[10.31 a.m.]

Can the minister please update the House on the recent industrial action demanded by the union bosses, which is putting the safety of Tasmanians at risk?

ANSWER

Madam Speaker, I thank my colleague, the member for Lyons, Mr Shelton, for his question. The Hodgman majority Liberal Government is committed to ensuring Tasmanian communities are safe communities. We want Tasmanians to live and raise their family in safety, and go to work in safety. Unfortunately, this is clearly not a commitment shared by the CPSU union bosses, not at all. Given the Labor Party is supporting this industrial action, neither does Labor support a safe community.

The CPSU union bosses have instructed their forensic laboratory members to withhold the release of important DNA results from Tasmania Police. This is an unacceptable action. It is being undertaken in regard to property crime including burglaries, stealing and motor vehicle theft. This is serious. This is important. As at last Friday, I am advised that 92 reports are being withheld from Tasmania Police. Of those, 14 reports contain DNA matches that link a person on the DNA database to a known crime scene. Eleven reports also contain potentially useful DNA results for investigation. Fourteen links have been achieved and police cannot know about it. That means there are now 25 DNA reports Tasmania Police would act on if they had the information.

This action is now placing members of the Tasmanian community at risk because of the very real likelihood it is allowing criminals to be commit further crimes in our community and not be stopped, apprehended and held to account as police would want to do. This industrial action is now placing members of the public at significant risk. It should be withdrawn. Labor should join us in calling on them to withdraw it so that Tasmania Police can have access to DNA reports so they can pursue, arrest and prosecute.

This is not the only industrial action we have seen that is designed to hit Tasmanians. We will see children deprived of education. We will see people having their surgery cancelled, also supported by the Opposition Leader. From later this month, HACSU bosses are directing allied health professionals to withdraw their services from key parts of the health system, including important surgical units in hospital wards and those we have reopened. This is on top of refusals to transport patients from the ED at the LGH to Radiology and back when they need an x-ray. These actions leave patients without the care they need and it may mean people stay longer in hospital, which may mean longer waiting times in the emergency department.

Where does the Opposition Leader stand on that? Rebecca White, the Leader of the Opposition and the Labor Party, must immediately condemn these outrageous actions that are leaving criminals on our street and depriving Tasmanian Police of the information they need to arrest people linked to a serious crime scene. The union bosses directing these outrageous actions are senior members of your party. They attend Labor Party conferences, and they vote on Labor Party motions and policies. It is long past time the Opposition Leader, Rebecca White, showed some real leadership and either pulls them into line or at least dissociates herself and this noisy, former workplace

relations minister, Mr O'Byrne and union boss, from these disruptive and now dangerous actions. These are dangerous actions. This is hurting people and you are depriving victims of crime of justice.

The Government's pay rise offer of 6 per cent over three years is fair for workers and it is affordable for taxpayers. This policy, which the members opposite would be familiar with from their time in government, allows us to deliver our plan. That means more services, more support for workers on the front line, allowing us to employ 125 more police, 250 more teachers and 1300 more health staff over the next five years.

I call on the Opposition Leader to dissociate herself from these industrial actions because they are hitting Tasmanians. You ought to condemn these actions and allow Tasmania Police to pursue criminals linked to crime scenes from the DNA database. I call on her to do that today.

Ms Sarah Courtney MP - Breach of Ministerial Code of Conduct

Ms O'BYRNE question to MINISTER for RESOURCES, Ms COURTNEY

[10.37 a.m.]

This goes to Ms Courtney because of the importance of the conduct of her ministerial office and information passed between them. Now you have confirmed your WhatsApp use -

Mr Ferguson - Are you on WhatsApp, David, yes or no?

Madam SPEAKER - Order, Mr Ferguson.

Ms O'BYRNE - Thank you, Madam Speaker. I will start again because I am not sure if Mr Ferguson heard and I am sure he will want to interject again.

Madam SPEAKER - I will indulge you to repeat the question.

Ms O'BYRNE - Can you advise if your messages were provided for inclusion into the investigation required because of your confirmed breach of the Ministerial Code of Conduct?

ANSWER

Madam Speaker, I thank the member for her question. It is clear we can categorise Labor's last two weeks of the year as being about conspiracy theories, stunts, back room deals and nothing about offering Tasmanian people an alternative government. They love trying to create a gotcha moment. All government business and administration is done through normal channels and you are trying to suggest some kind of conspiracy theory that does not exist.

I will read into *Hansard* an extract from a letter of engagement the Premier wrote to Mr Bugg on 15 October. There is an introductory paragraph and then he says, 'I hereby authorise you to undertake the necessary inquiries to inform your advice'. If they want to try to slur the reputation of a respected, former senior public servant in the way he conducted his investigation, I will leave that for Labor to sit there in the mud. This has been dealt with. It is disappointing that they have nothing more to offer in the final two weeks of the year.

Ms O'BYRNE - Point of order, Madam Speaker. Can we seek to have the minister table the document she was reading from?

Madam SPEAKER - We can ask the minister but she is not obliged.

Ms COURTNEY - I will read it in so you can hear it now, Ms O'Byrne -

> On 15 October 2018, I was provided with a statement from Minister Courtney detailing a conflict of interest that has arisen in her role as Minister for Primary Industries and Water and Racing. The conflict relates to a personal relationship that was developed between Minister Courtney and Dr John Whittington, Secretary, Department of Primary Industries, Parks, Water and Environment. On the basis of the information that has been provided, I believe it appropriate to seek independent advice to determine if Minister Courtney has breached the Code of Conduct for Ministers.
>
> I hereby authorise you to undertake the necessary inquiries to inform your advice. I enclose a copy of Minister Courtney's statement as well as a copy of the ministerial code of conduct for your information. Please ensure that your inquiries are guided by principles of natural justice and procedural fairness. I seek your advice as to whether Minister Courtney may have acted -

Ms White - Do you think this is funny or something? What's with the funny voice?

Ms COURTNEY - I am just trying to understand. You are coming in here asking questions. Our side is being completely transparent. We are showing you the course of action that was undertaken by the Premier. We have -

Ms O'Byrne - Just answer the question and we can move on. Did he see the WhatsApp conversations?

Madam SPEAKER - Order. We are all being a bit childish here.

Ms COURTNEY - Madam Speaker, I will table the document seeing as they do not want to hear what is in it. We have been through this before. If Labor has so little to offer, that is a matter for them. This side of the Chamber is getting on with delivering year 12 to Tasmanian students, the strongest economy in the state, and more law and order to make sure we are keeping Tasmanians safe. We are going to continue with our agenda and continue to deliver what Tasmanians elected us to do.

Local Government - Outcomes of Election and Review of Act

Mr HIDDING question to MINISTER for LOCAL GOVERNMENT, Mr GUTWEIN

[10.42 p.m.]

Can the minister please update the House on the outcomes of the recent local government elections and the review of the Local Government Act?

ANSWER

Madam Speaker, I thank the member for Lyons, Mr Hidding, for that question and his interest in this important matter. The 2018 local government elections are over and I thank the record

number of candidates for putting up their hands to represent their communities. To those elected candidates, congratulations. The Government looks forward to working with you to make your communities an even better place to live and work.

The results point to healthy levels of participation and community engagement in the democratic process. In particular, it was pleasing to see a record number of candidates standing, an increase in the statewide voter return rate - this will be interesting to you, Mr O'Byrne - including increases in around 90 per cent of the councils in terms of the return, significant increases in the number of women elected to councils including in leadership positions, and a good balance between newly elected and returned councillors as well.

With regard to participation, a record 481 candidates stood for election across 28 councils. Voter participation rates approached record highs, with 58.73 percent of votes returned. In the 10 elections since the Local Government Act was introduced in 1993, only one has recorded a higher rate, and that was 59.48 per cent set in 1996. This is an outstanding result as these elections demonstrate the significant level of engagement with residents in communities across all parts of Tasmania.

It appears, though, that just prior to the election, according to some opposite, once again the sky was about to fall in. I will quote from the front page of the *Mercury* of 29 October. I think we can see it there - and for those who are interested, that is not a picture of Mr O'Byrne, that is a very pretty little pig -

Madam SPEAKER - Order, Mr Gutwein - not only is that a prop but that was a slur.

Mr GUTWEIN - I will quote directly.

Mr Bacon - It should have been a Bacon joke. If he had a sense of humour he would have done a Bacon joke.

Mr O'Byrne - I take offence on behalf of Mr Bacon. That is outrageous.

Mr GUTWEIN - Now they are working with my material. Mr O'Byrne said:

> With democracy comes responsibility and the fact that so few Tasmanians have cast their vote in what is a very important election for communities across the state is a crisis point for local government … -

Jumping the gun, whingeing for whingeing's sake; as I have said before, whingeing is not a policy, complaining is not a platform. Well before the poll was declared, Mr O'Byrne put his foot firmly in his own mouth and called the most successful voter turnout in 22 years a crisis for local government. As ridiculous and false a statement as that is, the member has once again faceplanted himself.

A highlight for me in the wash-up of these very successful elections was the strong result and significant increase of women elected this year. The number of women elected to leadership positions increased substantially. Of the 56 leadership positions, women were elected to 23 of those, or around 41 per cent; 10 women, or 36 per cent, were elected to the position of mayor, compared to 29 per cent back in 2014; and 13 women, or 45 per cent, were elected to the position of deputy mayor, compared to only 28 per cent in 2014. When you include the results of Glenorchy

City Council, albeit held before this most recent election, 105 women, or 40 per cent, of those elected as councillors were women, compared to only 32 per cent in the 2014 election.

I congratulate all Tasmanians who stood at the recent local government elections and wish those elected all the best in representing these communities.

Members - Hear, hear.

Mr GUTWEIN - I would also like to update the House on the progress of the major review of the local government legislation I announced back in June. The scope of the review has now been finalised after consultation.

Ms O'Connor - Five minutes.

Mr GUTWEIN - Look, we spent a minute talking about pigs, and that was through interjection.

Ms O'Connor - It's an incredibly self-indulgent waste of taxpayers' money to spend five minutes, now going into six, on a Dorothy.

Mr Ferguson - Well, it's been declared a crisis.

Mr GUTWEIN - Madam Speaker, it was declared a crisis and I am setting the record straight.

The review will deliver a framework that supports greater innovation, flexibility, productivity, and will minimise red tape. Additionally, it will enhance accountability and transparency and increase community participation and confidence. The terms of reference and the governance structure for the review will be available today on DPAC's website. It will be overseen by a steering committee which includes members with significant experience in the local government sector and will be a collaborative process, with many opportunities for community and stakeholder engagement -

Ms O'Connor - Put out a media release - you're into six minutes now.

Mr GUTWEIN - through a series of public consultation papers, public forums and workshops. The Government will release a public discussion paper by the end of 2018 inviting community and stakeholder contributions on ideas and options to modernise the Tasmanian legislative framework starting from a first principles basis.

Ms O'Connor - Running into seven minutes now.

Mr GUTWEIN - Madam Speaker, it is obvious that the member for Clark does not believe that local government is an important sphere of government. I call on Tasmanians who have an interest in this important sector to engage with the review and make their voices heard.

Ms Sarah Courtney MP - Breach of Ministerial Code of Conduct

Ms O'BYRNE question to MINISTER for RESOURCES, Ms COURTNEY

[10.48 a.m.]

The investigation into your confirmed breach of the ministerial code of conduct found that you wilfully concealed the fact that you were in breach for a period of four weeks before reporting it.

Why did you think it was acceptable to carry on breaching the ministerial code of conduct for a month without disclosing this serious matter?

ANSWER

Madam Speaker, once again we see from Labor, and particularly the member for Bass, the self-appointed judge and jury. When they do not like the outcome of an independent investigation where the results were released publicly, they come in here and make unsubstantiated claims and slurs against people's reputation. They have completely misrepresented the findings from Mr Bugg's review. I say that because within the advice the Premier released it said:

> I have accepted the minister's explanation that she did not consider she was actually conflicted until the time when she gave you formal notice and stepped down as minister.

To come in here and try to misrepresent Mr Bugg's advice as well as slur his reputation about the quality of the investigation that he conducted is shameful and once again shows how little Labor has to offer.

These are the last two weeks of the sitting year. They have had months now to come up with some kind of policy, some kind of narrative to be able to tell the people of Tasmania in their final weeks before the Christmas break. They have nothing. They are too busy on the weekends photocopying heads and sticking them in the lawn, cooking up backroom deals,

Ms White - You are lucky you are there at all.

Madam SPEAKER - Order.

Ms COURTNEY - I am lucky I am here. I take my job very seriously. I think being a member of parliament is a privilege, Ms White, and I take that role very seriously. I feel very fortunate to be elected by the people of Bass and I feel honoured and privileged to be serving with my colleagues in Cabinet. Yes, I feel very privileged and lucky, Ms White. However, all we are seeing from the other side is a lack of substance. During the final couple of weeks of the year they are trying to smear reputations and throw mud because they have nothing to offer the people of Tasmania.

Ms Sarah Courtney MP - Breach of Ministerial Code of Conduct

Ms O'BYRNE question to MINISTER for RESOURCES, Ms COURTNEY

[10.51 a.m.]

During your joint trade mission to China and Hong Kong with the Premier he undertook such social activities as visiting and being photographed on the Great Wall. Since you were investigated over your breach of the Ministerial Code of Conduct regarding your relationship with your former departmental secretary, who accompanied you on this overseas trip, what taxpayer-funded social events did you attend with him in China and Hong Kong? Were the expenses that you would have charged to the taxpayer provided to Ms Jenny Gale and examined as part of the investigation into your confirmed breach of the Ministerial Code of Conduct?

ANSWER

Madam Speaker, once again, they are not only trying to slur my reputation but attack the reputation of the head of the State Service, Ms Jenny Gale, who authorised the investigation.

Opposition members interjecting.

Madam SPEAKER - Order, the minister has been asked a question. Please allow her to answer it.

Ms COURTNEY - The current Solicitor General, Michael O'Farrell, from whom we seek advice, senior Commonwealth and state ex-public servant, Damian Bugg, former Solicitor General, Leigh Sealy - seriously, the other side has nothing to offer.

We have released all findings from the investigation. The Premier has been completely transparent. There are normal courses of action. If the other side wants to find out about expenses and diaries there are normal protocols, there are RTIs that can be put in. I welcome them to be able to -

Opposition members interjecting.

Ms COURTNEY - For the other side to expect me, two months after travelling overseas, to be able to recall my step-by-step movements on that trip is bizarre.

Opposition members interjecting.

Madam SPEAKER - Order, this is descending into somewhere we do not want to go.

Ms COURTNEY - The Premier has outlined that he authorised and requested a full investigation by Ms Jenny Gale, the head of the State Service. Ms Gale conducted her inquiries as she thought was necessary. She sought further advice from Mr Leigh Sealy. If you want to keep peddling these lies you can do that. The other side has nothing to offer. This shows the people of Tasmania why you are on that side of the Chamber.

Housing Stress - Government Action

Mr SHELTON question to MINISTER for HOUSING, Mr JAENSCH

[10.54 a.m.]

Given the commitment of the Hodgman majority Liberal Government to reduce homelessness and alleviate housing stress, can you update the House on how you are providing urgent support to Tasmanians who are sleeping rough?

ANSWER

I thank Mr Shelton for his question and interest in this subject and yours, Madam Speaker.

We know that some Tasmanians are still experiencing housing stress and that there are Tasmanians who find themselves sleeping rough or at risk of homelessness. Our Government is committed to implementing stage one of its affordable housing strategy action plan. The actions identified at the housing summit held on 15 March are speeding up the supply of new housing even further.

There are people sleeping rough who need our help right now. That is why, back in March, I announced a support package to assist these Tasmanians through the winter months. This funding was to be used for immediate emergency accommodation and support for Tasmanians in urgent need. The funding has been used to secure a mix of cabins and hotel and motel accommodation with the emphasis on providing safety and security for those in greatest need while longer term solutions are found for them. This funding included $150 000 for additional on-ground resources for Housing Connect to engage with and support people in need of emergency accommodation. Since March, Housing Connect has been regularly visiting sites around Hobart to connect with people in need of assistance and help them every day.

More recently, a number of stakeholders including Colony 47 and your good self, Madam Speaker, have reached out to me as Housing Minister, seeking to continue this important work beyond the winter period and provide additional capacity for outreach services.

I am pleased to report to the House today that the Government will extend the program to put Tasmanians in need in contact with appropriate housing assistance to the end of the current affordable housing action plan period in June 2019. We will review it as part of a second stage of our affordable housing strategy. This brings our additional investment in responding to these needs to $1.2 million this year.

This extension of funding will allow Housing Connect to continue their outreach and emergency support to people with complex needs who need individual assistance. The additional funding is available across the state through Housing Connect. Housing Connect will use it to adapt their response to every client's unique circumstances and needs wherever they are.

I thank Colony 47, Housing Connect and all the people who work on the ground, every day, to reach out to people in need to support them into appropriate secure and safe accommodation.

Members - Hear, hear.

Convict Heritage Site - Kings Meadow

Ms O'CONNOR question to MINISTER for HERITAGE, Mr HODGMAN

[10.57 a.m.]

An extraordinarily rich convict site has been uncovered at the site of a subdivision development at Kings Meadows in Launceston. A one-week investigation by Southern Archaeology confirmed a convict heritage site, described as highly significant. It is an historic convict road station from the 1830s and 1840s and the significance of this site is so great, it could be considered of World Heritage value.

Your agency, Heritage Tasmania, is aware of the discovery and its significance but has taken no action to date. Can you confirm that development works are continuing on the site and that you have done nothing so far to stop it and protect our heritage? Will you order a stop-work to at least allow further investigation before allowing the bulldozers in to flatten an important part of Tasmania's convict story?

ANSWER

Madam Speaker, I thank the member for the question.

I am advised of a new subdivision in Launceston south of Connector Park. It has drawn attention to the existence of the remains of the Kings Meadows Road Station. It is an interesting discovery as its existence was not recognised or well known until 2016. I am advised that it was discovered in part as a result of the property owner's plans to subdivide and develop this parcel of semi-rural land. We can be grateful for the involvement of the Launceston City Council in this matter. The council sponsored archaeological investigations that have helped to reveal the remains and more about the nature of this early site.

I understand that the road station was used to base convicts who helped to develop the early road network south of Launceston and may have also been involved in developing the large but unsuccessful Evandale to Launceston water scheme. The archaeological investigations concluded that there was limited remnant fabric remaining from the convict era. They indicated that it was constructed as a temporary timber structure and limited fabric remains. Much of it was bulldozed many years ago and the land has been ploughed and used for primary production. These actions have destroyed and removed all the original structures over time. This site is not on the local Historic Heritage Code or entered on the Tasmanian Heritage Register as its exact location was not recognised until recently.

Now these investigations have been concluded, those involved have been able to confirm there is limited evidence of the station that remains at the site. However, I am aware a nomination has been received by the Heritage Council and is currently under consideration. I am grateful for the support of the property owner, the Launceston City Council and the team that undertook these investigations and helped to capture some of the history of this site and further our appreciation of the convict story. I acknowledge the efforts of John Dent and Darren Watton in that regard.

Ms Sarah Courtney MP - Breach of Ministerial Code of Conduct

Ms O'BYRNE question to MINISTER for RESOURCES, Ms COURTNEY

[11.01 a.m.]

Given you advised this House it is apparently too much to be asked to remember which taxpayer-funded social events you attended two months ago with your former departmental secretary, will you now commit to seek that information and provide it to this House before it rises today?

ANSWER

Madam Speaker, I thank the member for her question. The point of a trade mission is to help increase opportunities for Tasmanian businesses. The itinerary was created toward working with Tasmanian businesses and stakeholders to increase opportunity. It was not a social event. It was an opportunity for us, our teams and various stakeholders who travelled with us to identify new opportunities and help boost investment and jobs for Tasmanians.

Members interjecting.

Madam SPEAKER - Order. Can we have a little respect here, please.

Ms COURTNEY - We have amazing produce in Tasmania: seafood, red meat, wool, wine, whiskey, and all these were part of the trade mission. We had amazing agricultural meetings. We went to Asia Fruit Logistica -

Ms O'BYRNE - Point of order, Madam Speaker. I apologise, I know standing order 45, relevance, sets your teeth on edge. The question goes to the use of taxpayer funds by a minister of the Crown. It is entirely appropriate for the minister to answer that in the House of Parliament to which she is responsible.

Madam SPEAKER - That is not a point of order. I cannot order the minister to answer it in any other way than she sees fit.

Ms COURTNEY - Thank you, Madam Speaker. The agricultural leg of a trade mission included Asia's most important trade show, Asia Fruit Logistica, which was in Hong Kong. It was a delight to visit Tasmanian producers who were there, be able to meet the buyers and help introduce new relationships. We also had business and trade meetings in Beijing and Shanghai. A very worthwhile visit was to the Beijing wholesale fish market, where we saw the produce from our amazing salmon industry, from Huon and Tassal, expanding into these vibrant markets. We also visited, along with Tasmanian representatives, the wholesale fruit import markets in China and had the opportunity to meet with -

Members interjecting.

Madam SPEAKER - Order.

Ms COURTNEY - They have asked me to outline it, so I am, Madam Speaker.

Madam SPEAKER - Yes, that is fine.

Ms COURTNEY - We were discussing cherries and the opportunity we have against some of the South American cherries. It was a worthwhile conversation and introduced real opportunities for Tasmanian businesses to expand their production and be able to sell into the Asian market. We also had a very productive visit to Redsun wool mill in Shanghai. It was about an hour-and-a-half out of Shanghai and we saw the amazing ability of the Tasmanian brand to have warm -

Members interjecting.

Madam SPEAKER - Order. I ask the Opposition to calm down.

Ms COURTNEY - It is a celebration of place. Wool grown on Tasmanian sheep was being sold through China into fine markets, into mature markets in France and to the runways of Paris, being branded with the farm it was grown on in Tasmania. It is amazing.

Members interjecting.

Madam SPEAKER - Come on, we have seconds to go.

Ms COURTNEY - With regard to the cost of the trade mission, I have been advised the final cost of the 2018 trade mission is still being finalised. We met through the international relations

allocations at the Department of State Growth's business, the Trade Tasmania division and Tourism Tasmania.

Time expired.

TABLED PAPERS

Public Works Committee - Reports

Mr Shelton presented a report on the Standing Committee on Public Works Committee on the major redevelopment of the Taroona High School together with the evidence received and the transcripts of evidence.

Report received.

LAND ACQUISITION AMENDMENT BILL 2018 (No. 59)

First Reading

Bill presented by **Mr Barnett** and read the first time.

MISUSE OF DRUGS AMENDMENT BILL (DRUG ANALYSIS) BILL 2018 (No. 62)

First Reading

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

MATTER OF PUBLIC IMPORTANCE

Privatisation of Public Assets

[11.09 a.m.]

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

> That the House take note of the following matter: privatisation of public assets.

In April 2014, the Premier, newly elected, said to the people of Tasmania -

> Let me be clear: we will not be selling any government or public owned assets.
>
> We won't be selling any government or public owned assets, other than the Aurora retail book which the former government put up for sale, and which we've supported.

The Premier said, 'Other than that we will not be selling anything, and that is part of the commitment we took to the last election'. Five years later, it has been confirmed that this was a lie to the Tasmanian people. Pure and simple. The premier of the day says we will not be selling anything and, five years later, the for-sale list is long and it is growing. In the last term of parliament, we witnessed the then resources minister oversee the sale of 29 000 hectares of public plantation forest for substantially less than it cost taxpayers to establish them. Of course, given this Government's absolute commitment to secrecy and lack of transparency, the details of that sale, the rationale for the 99-year lease, which is as good as a sale, was not made to the people of Tasmania. The sale of this asset for substantially less than it cost taxpayers to establish them was not justified by the minister of the day.

We also had in the last term of parliament special enabling legislation come through this House that would privatise the pinnacle of kunanyi/Mt Wellington should the planning authority approve the construction of a cable car up the mountain which, as we know, would break people's hearts and desecrate the mountain. Again, it is government using its levers, its agencies, to introduce legislation that favours a single private operator at the expense of the public good. There was no justification - again - for handing over the pinnacle of kunanyi/Mt Wellington, the people's mountain, to the Mount Wellington Cableway Company, but the resources of the Government and the time of the parliament was put into doing just that.

We also had just after the state election an announcement by the Treasurer that the Treasury building would be put on the market, again with no mandate or conversation with the people of Tasmania. It was interesting that at the open day a couple of weekends ago on Remembrance Day people were streaming into the Treasury building to have a look at their property that this Government has announced, without a mandate, that it wants to sell.

The letters page of the *Mercury* in the days afterwards confirms that this Government has no mandate to sell the Treasury building and the owners of the Treasury building have not given permission to the Government of the day to sell it. Even the *Mercury* editorial condemned the decision to put the Treasury building on the market. Who would buy the Treasury building? What is the justification for selling the Treasury building when the Treasurer of the day tells us we are in a golden age? There is no shortage of funds, apparently. There is no justification for selling a symbol of our history, of governance and democracy in Tasmania, to the private sector.

We know where that began. That began in the last term of parliament when some private individual, company, or foreign government came forward with an unsolicited bid to buy the Treasury building. That is where the idea came from - the private sector approaching a government, the Premier of which had said he would not be selling public assets. At the time it was not convenient, but straight after the state election it was announced the Treasury building would go on the market. No mandate, no justification, no social licence from the people who own the Treasury building, the people of Tasmania.

Just recently it has been revealed that the Liberal Government and, indeed, the Premier and Parks minister, Mr Hodgman, had entered into a secret, long-term lease to privatise Halls Island at Lake Malbena in the Walls of Jerusalem National Park in the World Heritage Area. It was not revealed at the time by the Government that not only was there going to be a lease extended on Reg Hall's hut, but a second lease would be entered into with a private operator over the whole island. This is unprecedented in Tasmania's history, where part of a public protected area is being given over to a private operator for exclusive use.

No wonder fly fishermen and walkers are ropeable and threatening a blockade. There will be a blockade at Halls Island in Lake Malbena, I have no doubt about that whatsoever, and the people who participate in that blockade will come from all walks of life and all parts of the political spectrum in Tasmania. You do not have to be a 'greenie' to love the wilderness, you do not have to be a 'greenie' to recognise that this Government is stealing from the people of Tasmania for private developers and commercial interests.

Handing over Hall's Island is an act of theft. Again, it was a secret process, behind closed doors, a corrupted process where the people of Tasmania were not given a say, where a World Heritage Area management plan was changed after public consultation to excise Lake Malbena from the wilderness zone and put it into the self-reliant recreation zone. No consultation: it just appeared in the final World Heritage Area management plan, and the stitch-up went on from there. For three years that private developer was negotiating through the Office of the Coordinator-General to get their hands on a public island inside the World Heritage Area that is a wilderness place, whatever dodgy zoning this Government puts on it in order to facilitate a private development.

Here is our prediction. That development will not go ahead. The reason it will not go ahead is because there are hundreds of Tasmanians right now who are gearing up for a blockade. They are gearing up to stand by the wilderness, Hall's Island and Lake Malbena, a place that is beloved by anglers and bushwalkers alike and owned by and on behalf of the people of Tasmania, Aboriginal and non-Aboriginal Tasmanians. It is a privatisation of a public island wilderness inside the World Heritage Area. No punter under the Liberal's plan will be allowed onto Hall's Island.

There has also been the plan to privatise public waterways for fish farm expansion and the Elizabeth Street Pier, with no mandate, no justification and no social licence.

Time expired.

[11.17 a.m.]

Mr GUTWEIN (Bass - Treasurer) - Mr Deputy Speaker, here we go again with the rampant conspiracy theories of the Greens.

Ms O'Connor - I'm only laying out the facts.

Mr GUTWEIN - Let me start where you finished and then I will get to the issue of asset sales and business sales.

These are the leases that were issued under you: Fortescue Bay, Richmond Gaol, Pumphouse Point, Maria Island Walk lease, Three Hummock Island, Lake St Clair, the Entally House lease, South Arm golf course and Cape Wickham golf course.

Ms O'Connor - South Arm golf course? Watch out. That was your colleague, Mr Groom, on behalf of his brother.

Mr DEPUTY SPEAKER - Order.

Mr GUTWEIN - That is what I am advised were the leases provided to the private sector to commercial interests when you were in Government.

Ms O'Connor - Did we privatise an island in the World Heritage Area?

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr GUTWEIN - Look at Pumphouse Point. What a fantastic asset and development that has been for Tasmania.

Ms O'Connor - Why don't you deal with the Premier's complete misleading of the people of Tasmania?

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr GUTWEIN - Let me deal with some of the other ridiculous comments that have been made by the member.

Ms O'Connor - People are smelling straight through you.

Mr DEPUTY SPEAKER - Ms O'Connor, official warning one. You have made your contribution to this debate. Hopefully, you will listen to the rest of it in silence.

Mr GUTWEIN - We have made it perfectly clear that we will not sell government businesses. What we said in terms of Aurora was that was marked for sale and we reserved the right to continue that through. Government businesses and governments manage their assets and have done so under your government and previous governments. The Hydro, for example, sold its interest in Roaring 40s. In the last term we allowed Sustainable Timber Tasmania to manage its asset base and, as a result, it got a very good price for the hardwood plantations that has enabled the business to be placed onto a sustainable footing. In fact this year we will receive a special dividend from that business that will be spent on health, education or other services. That is sensible management of the businesses.

In terms of property assets and sales, I come back to the hypocritical nature of the Greens and the way they try to build fear and loathing and frighten people about what is going on. When you were in government you sold the Timsbury Road special school. The former Heazlewood Special School - sold. The Table Cape Primary School Bowick Street campus - sold. The Brent Street Primary School - sold. Mount Stuart Kindergarten - sold. The Upper Burnie Primary School - sold. The Brooklyn Primary School - sold. The former Abbotsfield Primary School - sold. The former Claremont Primary School - sold.

Ms O'CONNOR - Point of order, Mr Deputy Speaker. The Treasurer is being misleading. The assets he is describing, Department of Education assets, were sold in large part to deliver affordable housing.

Mr DEPUTY SPEAKER - It is not a point of order, Ms O'Connor, and you are just wasting time.

Mr GUTWEIN - There is one that is marked up here that was sold by private treaty to Housing Tasmania. The former Adult Education Centre at South Hobart - sold. The former Adult Education site at York Street, taken to tender - sold. The former office accommodation at Franklin Street, auctioned in 2013. The Hayes Prison Farm went to tender in 2013 under your government and was

eventually auctioned in 2014. The former students' hostel in Launceston, sold in 2010. The cottages in Wellington Street, Launceston, sold in 2010.

The ongoing management of property assets is something that all governments do. I come back to the matters you raise regarding Sustainable Timber Tasmania. I know you do not want that business to be sustainable, but those plantation trees were a crop. They were going to be sold anyway. They were going to be harvested. All we did was sell the trees, we received the value for that and part of that will come back to the Budget this year to help with health and education and Tasmanians in need.

Time expired.

[11.23 a.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, what we have just heard from the Treasurer is the sort of slippery language and spin that people associate with the very worst characteristics of politicians. Shame on you, Treasurer, for bringing us all into disrepute for being incapable of speaking the truth. That is a problem for this Liberal Government. You cannot speak the truth. You have no confidence in your convictions. If you did you would be open and transparent and you would consult with the community about the things you are proposing.

There has been no public consultation about whether the Treasury building should be sold. An iconic sandstone part of our heritage is about to be flogged off and the people have not been asked whether that should even happen, let alone how and if it should happen. You have been incredibly slippery in your language about 99-year leases, which are a sale by any other name. In the ACT, where I grew up, people have 99-year leases on their property and they own them. They own their land because nobody is going to live for 99 years on that property. They will sell it on. This Liberal Government is unable to be honest about what it is doing.

The Premier this morning told the House he would not be privatising any publicly owned assets, except those deemed 'not fit for business' and 'not a core asset'. How can it be that privatising public waterways to fish farm companies without independent, scientific consultation is not of public concern? How can we possibly consider marine environments not fit for purpose but fit for sale to private companies when those private companies have a direct line to the department and the minister so they have a say over which bits of the publicly owned resources they want. That is what is happening around Tasmania.

The previous minister, Matthew Groom, had a chat to his friends, to his relatives and bits of South Arm - nature conservation areas - were being flogged off to members of the family. The beautiful Opossum Bay nature conservation area has been slated to become a golf course. It will probably receive a subsidy from this Government for an expensive underwater pipe from the Taroona side of the river to water the golf course. Who pays for it? The public. Who makes decisions about what happens in our wilderness areas? Matthew Groom made that decision when he was the minister by having a chat with private companies about which parts would be suitably iconic and appropriate for them to put their business on. What we now have are expressions of interests which are effectively a contract for sale to private companies of our wilderness areas, which the Tasmanian Government holds in perpetuity for the planet.

There has been a consistent exercise of looking around the state at Crown land and choosing the bits that can be privatised. Rosny Hill has been protected since 2003 as a nature recreation conservation area. The Premier has made it clear he will not be preventing a major development

going ahead on that site. As Ms O'Connor mentioned, people are rising up. They are realising what is going on in this state. The things they care about are being sold off and the only thing they have left to prevent this happening are their bodies.

People are prepared to use their bodies. They are prepared to make a stand against the corrupted process which has given the fish farm companies, Tassal and Huon Aquaculture, the approval to move into Storm Bay. Two members of the panel, the best two key scientists, resigned in protest over the disgusting sham of a scientific so-called 'expert' report that came out of that panel. It clearly was nothing of the sort. The questions that were left unanswered were so huge it caused the two most important scientists on that panel responsible for fish health and biosecurity and environmental management to resign. That is because there was no proper independent process. It was never going to be a process other than to hand over the keys to those two companies to get out into our marine environment and expand their companies into that area.

Mr Deputy Speaker, people will be forced to speak because the Government is not listening.

Time expired.

[11.30 a.m.]

Dr BROAD (Braddon) - Mr Deputy Speaker, there is no doubt that this Liberal Government has a privatisation agenda. We just do not know what it is. We have seen in the past the sale of Sustainable Timber Tasmania. Despite previous machinations around the Treasury building, that it was not for sale, then it was, then it was not, it now looks like it is for sale again. This is not just any building. This is a significant building in the context of Tasmania's history. It has the former Cabinet room and a lot of Tasmania's history emanates from decisions made in that building.

We have the circumstance now with the Treasurer recently talking about the sale of the Elizabeth Street Pier. As we have seen in the past, when we have an asset sale of some description flagged, the Government talks about doing something with that money and they throw the idea out there. We saw with the sale of plantation assets, as a bit of a talking point and a bit of a sweetener, that some of the money from the sale was allocated to the Health budget, and that was used to grease the wheels and get the sale process done. We have questions about the value of that sale, whether the state actually received value for money considering the amount of money that came from the federal government to plant those trees in the first place, and that is still something that is live.

We also heard today in this place the Treasurer's complete misunderstanding of how forestry works. They did not just sell the trees; if they just sold the trees they would have sold one rotation's harvesting rights. You could have a bunch of different methods for that. They did not just sell the trees. They gave a 99-year lease to do multiple rotations on that land, and also gave the new owner the ability to walk away from certain areas.

Mr GUTWEIN - Point of order, Mr Deputy Speaker. The member should clarify the matter. If you are going to speak in this place, do not mislead the House. At the end of the day, did we sell the land or not? No, we did not sell the land; we sold the trees.

Dr BROAD - You leased them the land for 99 years.

Mr Gutwein - Go back to what you just said a moment ago and have a very close look at *Hansard* because I think you have misled the House.

Dr BROAD - I have not misled the House. You were talking about trees, as in, 'We sold the individual tree, we sold the tree' -

Mr Gutwein - Go back and have a close look at what you just said because I think you misled the House.

Dr BROAD - If you consider a 99-year lease is, in effect, a sale - that is the key point.

Mr Gutwein - We didn't sell the land.

Dr BROAD - A 99-year lease is considered a sale.

Mr Gutwein - Have a look at what you said a moment ago. I think you're in a spot of bother, Dr Broad.

Dr BROAD - The minister is obviously getting uncomfortable.

What we see with the Elizabeth Street Pier is that all of a sudden this has just popped up. We are now talking about selling off an asset. The question I have is, who wants it? Who has come to you, minister, and asked for the sale? I do not believe for one minute that this has just happened and you have gone looking through the asset register and thought, 'Okay, we need some money now to get Macquarie Point progressing, let's go through our asset register. What's an asset we can sell? Look, here's an asset we can sell'. I believe somebody has approached Government and asked to buy it, and now there is a bit of a smokescreen being put up by Government that it just happens that they need to sell this so they can fix up Macquarie Point.

Despite Macquarie Point having $50 million sitting there we have seen very little progress over the number of years that money has been sitting in an account. There is the showstopper issue of the sewage treatment facilities there that need removal. All of a sudden, we are going to get some cash, apparently from the sale of an asset, to progress it. I am no land valuer, however the value of the asset will in no way cover the shifting of the sewage works, so I am very suspicious about this. Somebody has approached the Government and said they would like that building, that asset, and now the Government is not being particularly honest about it and suddenly pops up and says they have an entity or a business or some operation that happens to have seen that building is for sale and they would like it. I am curious about the timing. How long it is going to take before we see a preferred proponent pop up out of the blue now that the Government has put up the 'for sale' sign. I am very suspicious about the motivations around that asset's sale, especially the reasoning, because there is no way that building will fund the moving of the sewage works.

I must comment on some of the things the Greens members have said in here today, especially about things like privatisation of public waterways and so on. The lease process has been in place for a long time and we have leases of all sorts of descriptions in our waterways for oysters, for salmon farming -

Dr Woodruff - Do you have a problem with the Marine Farming Planning Review Panel process?

Dr BROAD - We have made our position clear on what we would do with the Marine Farm Planning Review Panel. We want additional scientific expertise on the panel. We want a more

open and transparent process. We want them to have a greater role than simply approving salmon farm leases.

Dr Woodruff - Do you have a problem with the approval they just gave?

Dr BROAD - If you want to know what we think you should look at our salmon policy that we took to the election.

Dr Woodruff - Do you have a problem with the approval they just gave for Storm Bay for Huon Aquaculture and Tassal?

Dr BROAD - We are not here to debate that. We are talking about your inflammatory language about privatisation of waterways when they have a lease -

Time expired.

[11.37 a.m.]

Mr HIDDING (Lyons) - Mr Deputy Speaker, I am disappointed with this matter for public importance today. When Hobart Ports became TasPorts in the transition from the original Marine Board, and then they became a statewide company but there were separate ports, the Marine Board building, which is a not so pretty brown brick building on the port, and Elizabeth Street Pier, were transferred to the government for sale. The government chose not to sell because that is what owners of buildings do; you sell or you do not sell. The Marine Board building was sold.

Ms O'Connor - But the government doesn't own the buildings.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr HIDDING - It is vested in the government.

Ms O'Connor - It is not owned by the government. That is the fundamental problem you have.

Mr HIDDING - What? The people of Tasmania own Elizabeth Street Pier? It was transferred from TasPorts to the government to manage as a commercial asset to sell or not sell. Every day of the week commercially owned properties are sold or not sold on the basis of whether the return is good enough or you can use the capital somewhere else. In this case, no-one ever said it was going to pay for the replacement of the sewerage assets at Macquarie Point; it was going to make a contribution towards it and also towards the arts precinct at Macquarie Point. It is a perfectly normal, standard, anodyne action of government to take.

Dr Broad - Who wants it?

Mr HIDDING - Elizabeth Street Pier?

Dr Broad - Yes.

Mr HIDDING - Wait and see. It is on the market. I would have thought there would be all sorts of people.

Ms O'Byrne - Any nibbles yet?

Mr HIDDING - I have no idea.

I am also disappointed that the Lake Malbena situation has been brought up in this debate because they are a young couple, as I understand; I do not know the Hacketts. I know roughly where Lake Malbena is. What I have seen is a young Tasmanian couple who have put all their time, effort, life savings and their whole livelihood on the line to develop a tourism operation. Frankly, the Wilderness Society is using the appeal process to continue to bully and harass Daniel and Simone Hackett in an attempt to make them withdraw their proposal; a proposal that has undergone rigorous assessment undertaken by the Commonwealth, which included consideration of over several hundred public and expert submissions.

It is not good enough for the Greens, who come in here and bully these people in an attempt to make them pull their application. The Government is committed to making Tasmania the environmental tourism capital of the world through the development of sensible and sustainable tourism concepts like the Halls Island proposal. We want to send a clear message that our Government will continue to back tourism operators who are willing to put up their own time and effort and substantial money in order to develop new and exciting tourism ideas in our national parks, reserves and Crown lands.

We are gaining international recognition for the kind of sensitive developments that are taking place and planned. We will not allow tourism operators to be intimidated by hard-line environmental groups who continue to push an extreme agenda, which is out of touch with mainstream views. If left unchallenged, it would have a disastrous impact on the tourism industry and would totally dry up commercial interest in investing in the Tasmanian property market and the opportunity to develop sensitive tourism assets in our wilderness areas. By supporting quality proponents like Daniel and Simone Hackett, the Government continues to deliver on our plan to increase the number of visitors and for them to stay longer, which is the key point. We want people to increase the tourism nights, to see more of our state and spend more while they are here.

These allegations about the disposal to the commercial market of a commercial asset owned by this Government, which is a standard arrangement, are nonsense. I have friends in the property industry and every single property is under review at any given time. Any time I meet with them, every single property they own is for sale at a price. There is no such thing as having a commercial property in your portfolio that is not for sale. It does not happen. They are all for sale at a price. If the price is so good that it defeats the return you are getting and the market is good to buy elsewhere, you sell.

In this case, investment was required elsewhere. It is not very far as the crow flies from where this is and substantial investment was required. Rather than dipping into capex required for other matters, it has been decided to cash out of one property and reinvest in another. That is good business. As for your question, did they go trawling through the asset register, as if the Government and the department would not know, with 56 expensive tourism villas owned on the waterfront. As if they would not know there is a major investment returning a very strong return to the government. It is likely, in the very strong real estate market in Tasmania due to the very strong economy this Government has brought to bear in this place, it is a good time to put it on the market. I hope and trust the outcome there will be as good as we expect it to be and this minister will happily invest in the big exciting challenge that is Macquarie Point.

[11.44 a.m.]

Ms STANDEN (Franklin) - Mr Deputy Speaker, I rise to make some comments in the time remaining with regard to privatisation of public assets. The member for Lyons, Mr Hidding, who spoke just now -

Mr DEPUTY SPEAKER - That is the one minute, I am sorry.

Time expired.

Matter noted.

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2018 (No. 50)

Second Reading

Resumed from 18 October 2018 (page 70)

[11.45 a.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, I do want to take the opportunity to speak on Macquarie Point. There are moments in time when we make decisions about place and space that fundamentally change the future of communities, of what they become, and I fundamentally believe that we do not have enough conversations about the spaces that we have and how we can use them appropriately. This bill regarding the Macquarie Point development does allow us to have one of those seminal moments. Coming from Launceston, I could talk about how fundamentally they change a city. If the local governments representing the Launceston area at the time had not made decisions in the 1970s around low skyline, around not being able to build buildings much higher than those that existed, that you would have to replace them at the same level - and that was after the functional but rather unpleasant buildings that we know as the Myer building and the Telstra building being built and the scar that they presented to our community.

If we had not done that then the horror that some of the 1970s architecture inflicted upon cities around Australia would have been inflicted as well on Launceston and one of the things that makes Launceston one of the most beautiful regional cities is the fact that it has maintained particularly a lot of its Georgian architecture. That decision around how you manage space and around what your space looks like fundamentally changes the type of city Launceston has become now, where we do embrace our heritage, where we do embrace our built heritage in a really significant way.

Mr Hidding - It was a council of the 1980s that really shone though in protecting those buildings.

Ms O'BYRNE - I am going to give the 1970s the credit. I am sure Mr Hidding would like some credit in that but a lot of those decisions were made much earlier after those buildings were done, but it was held onto by the city. There have been points when the city has had to address that and will have to address it again. It is important that when we talk about the built space in which we live, that we understand the fundamental impact that has on the way that we live and the way we conduct our engagements and the type of city we become. We have all seen that in particular around issues such as the way Hobart has changed its use of its harbour.

Mr Hidding - Just before you get off Launnie though, explain Henty House.

Ms O'BYRNE - Brutalist architecture, yes. I am sure about that one. To be fair I blame Dick Adams, he was the minister - he signed off on that - but those people who love brutalist architecture are very happy with Henty House, but the low skyline has been the thing that has changed the way that we view, particularly a city that sits in that basin with the surrounding hills and they are really important. Macquarie Point forms part of the harbor where there has been such a phenomenal discussion and change about the way we use that space. It was not that long ago when you would barely see anyone out and about on evenings in winter down in that space. It was still very much an industrial working space. It has become a really significant cultural precinct for Hobart and the decisions that we make through the Macquarie Point development fundamentally go to the type of space it will be and the type of city Hobart will be. Those of us who love travelling down for those events and to use that space want to make sure that none of that is minimised and we already have concerns around whether or not certain events will be able to be staged there.

Hobart has had an issue with their Christmas carols and being able to hold Christmas carols in an appropriate space. There is not really a good large public space for large events which we have been fortunate enough in Launceston to have, so I recognise those challenges. The issue that I am not sure is yet resolved - I am sure a Hobart person can give me the nod - around whether or not Dark Park will be able to continue in the way that it has. I know that we are one of the many families that travel down from the north -

Ms Houston - There is significant doubt over that.

Ms O'BYRNE - Yes, I was not sure if that had been resolved. We are one of the many families who travel down to enjoy the events around Dark Park and the use of that space, and so the way that space is used is crucial. It concerned me greatly when after such a long period of opportunity for work, a piece of legislation came to this House with such a tight deadline and a piece of legislation which we believed contained flaws. The only way that you can explore whether those flaws are genuine is to have time to consult with those people whom it affects and that was not being granted. You need to remember just how long this process has been going on to understand why we were so significantly concerned around the decisions that will change the way that we use space and potentially minimise opportunities for that site. It has been an interesting period of time since then because Macquarie Point has captured the imagination of Tasmanians. It has been the subject of conversations, we even talk about it in the north, so it has clearly had an impact. It is important for the state and it is most important for those people who engage with the harbour. There are wonderful opportunities but there are also significant risks that it could be wasted. That has been the feature of the conversations we have been having and the contributions members on this side of the House have already made to the debate.

We were originally presented with a very rushed piece of work. It has now been agreed it was a flawed piece of work this Government pushed through at the last sitting. It appeared on the notice, was tabled on the Tuesday and we were asked to have our full range of consultation, debate it and vote for it on the Thursday before it was unceremoniously pulled as things tended to fall apart, again, for this parliament.

It is a really significant concern for us. Some of the things I wanted to take a little bit of the House's time in representing and what concerned us was that we were going to be asked in this parliament, after four-and-a-half years of not doing an awful lot of work, of not addressing this issue, to sign off on a footprint that would deny the Hobart City Council and the Tasmanian

Planning Commission, let alone the people of Tasmania who love, engage and are passionate about this site, with a genuine say in how it was laid out. That is a pretty disgraceful turn of events for anyone to bring about.

It does concern me because we do see it a lot with legislation. It comes to the House rushed, it is not properly formatted, it is bullied through the lower House with a view that people either will not care or somehow will fix it in the upper House. I do not know how many times I have said this. You should never let legislation leave this House except in its best form. That is the job of this House. The upper House has the role of review. I would much prefer they stayed constrained within their role of review. That is how they are designed. Every time we send poorly thought out, poorly drafted or rushed legislation because we have not had an opportunity to consult and we have not had an opportunity to talk with all of the experts, we do not do a service to our community.

They were my first concerns because I do believe that constraint of time impacted on us. The work around this was originally done under Labor, so we have an emotional investment in this as well. The Australian Government committed money under Liveable Cities for the Macquarie Point Railyards Project back in 2012. By the time we were in caretaker mode and this Government had taken over, we created the Macquarie Point Corporation through legislation. It is unclear to me what genuine work has taken place since then. We go for an extensive period of time and then we are given this really, really rushed piece of work, which does not speak of good government and does not speak of good governance.

We have had four-and-a-half years with very little meaningful engagement with the community for those who do have some really passionate ideas. There were incredibly passionate people who came to the fore when this rushed piece of legislation was on its tracks. We talk a lot about MONA and we cannot underestimate the impact and the value MONA has had on us as a society, as a community and a tourism destination. They do fundamentally understand the value and importance of place.

MONA's vision for the site varied considerably in the Macquarie Point Development Plan that was released. They did express concerns about the newly developed master plan. They were concerned about the inclusion of the mixed-use area, particularly the siting of residential accommodation. I do believe that you want people living near public space. That makes public space very valuable but it did not appear that this was a particularly well thought out view of residential space within public space. If the true vision MONA had was to be realised, the map that was provided certainly did not go toward that. When we talk about the need to have residential space within public space it has to be done in a way that recognises that it is the actual use of public space and its larger cultural engagement that gives it the strength. It was concerning that that was not taken care of.

The other thing we raised, and this was the issue when we were back in this House and this was tabled, it is not reasonable to produce legislation in this House that fundamentally impacts on local government and the way it conducts its business when local government is in election mode and not in a position to adequately engage and respond. It would also have committed a future local government - and there were changes all across the state - to things for which they had not been part of the conversations. There are a number of members in this House and you, Mr Deputy Speaker, who have come from local government. I am sure that they, in their previous lives, would have been quite outraged at being run roughshod in that way and being ignored. I look at the former mayor, who is sitting in the Chair in his independent role, the former mayor who is seated behind me and Mr Hidding; all of these people would have been enraged if a piece of legislation had come

to the Parliament with two days, which would have taken away their engagement in a project of such significance. That is the sort of thing we could all agree on. How it went through its individual party processes stands on one side but I do not think there is a former mayor sitting in this House or the other House who would not have arced up at that kind of treatment. It is not something we should be surprised about and the fact that the minister responsible did not think that that was an issue was due to a lack of attention to detail or that he simply did not care or arrogance but it is a horrendous thing to do.

I commend my colleagues for their contributions on this matter in a very short period of time, which I have read, which did pull together some of the concerns we have seen raised, such as that the site development plan lacked enough technical details related to what its purpose would be and what changes to permitted and non-permitted uses in those public areas. The second reading speech generally outlines the changes but it did not give us a real understanding of how those matters were going to be addressed. Second reading speeches are very important to the law because if there is an issue of contention about the intent of the act of parliament or an amendment to the act of parliament then it is the second reading speed to which the courts will go to understand intent. If that intent is not clear, we leave people in quite a difficult position.

There were still a number of issues that we did want to raise. We were genuinely wondering why it suddenly became such an incredibly urgent piece of work that the Government needed to dump on us, debate quickly and put out the door within a couple of days. When everything else turned to custard for the Government on that day, they were happy to pull the legislation because they suddenly realised they may need to do some more work. There have been a number of urgent conversations over the last month trying to find a way to resolve some of the questions that we raised, which went to trying to understand why we had to have a departure from the normal planning process on this site.

We were concerned about the implications in the Hobart City Deal and whether this legislation needed to be passed in order for that to occur. There have been some concerns about where the Hobart City Deal fits and what it looks like. We support the city deal. We think having a city deal is incredibly valuable but it is not that much of a deal if you do not have local government as part of it. It is more of an imposition of a state government plan. It is extremely disappointing that the Government thought that was okay because it put at risk the engagement people have on city deals. City deals should be things that bring people together, that bring excitement together and we undermine what should be a really good thing for Hobart when we exclude people from it and create this kind of tension and concern.

I love the idea of the city deal in Launceston. Their strength is by bringing the parties together. They have to be collaborative, they have to be engaged and need people to be part of it for them to work. I have sat on the fringes of former deals and funding announcements that have been about changing space. Some of them have worked well and you can see where the problems have been for some of them and where we have not gone far enough. For instance, it is good to see the new deals around Launceston are finally going to give effect to some of the original conversations we had around the better cities plan for the Inveresk site. Some of those things were not fully negotiated at the time and have fallen by the wayside over the years. Even things such as the footbridge were one of the original plans and those things are really exciting so we should come together for those.

We were concerned about whether there was conflict between the role of the Planning minister and the State Growth minister around how this would all work alongside the Hobart City Council's planning responsibilities. We raised a number of concerns. I do not need to go through in too much

detail, other than most of them generally went to the role of local government, the local government that owns, manages and cares so much around our port precinct. Has consideration had been given to the insertion of a clause allowing parliamentary scrutiny of the proposed amendments? We did that in the Housing bill. It is not a bad idea to include it in legislation, given we are the final point of reference for most people.

The 21 days seemed to be confusing. How are stakeholders involved in the 21 days? How can representations be made and what are the mechanisms for community representation?

The role of the Planning Commission? I get edgy when we set up entities to provide independent process and then we deliberately move away from them. Those things do not help us in good governance. I am assuming the minister will address Anita Dow's question on the TPC would provide any independent assessment of the minister's assessment against the relative planning law policy and strategy. It will create a complicated process if they are not genuinely included.

We have spent the time since the sitting of parliament consulting and engaging. Conversations with the minister show there needs to be a greater process before legislation comes to this House. Before debating this legislation, we should have done all that work. Had this bill passed the House in its previous form it would not have been the best bill it could be. It would have meant the upper House would have had to try to fix it up. That is not good governance. We should always send the best legislation out of this House.

The Government is going to present a number of amendments today. The amendments I have seen have addressed most of our concerns. The minister will probably, in his summing up, give a broad understanding of those, so when we move into the committee stage we can be guaranteed the amendments give effect to the intent of these amendment.

The commitments we have, which need to put on the record because there have been significant conversations with stakeholders, are commitments that include ensuring there is a role for local government.

I am advised that most of these amendments meet our concerns. They amend the Macquarie Point Development Corporations Board to not only notify owners and occupiers of adjoining land but in seeking a planning amendment, as currently drafted, it should also notify the relevant planning authority, Hobart City Council, to provide both the planning authority and adjoining landowners and all occupiers with a copy of the proposed request and invite them to make representations to the board. Through the consultation process the planning authority can advise the board that the authority does not support the proposed request and the amendments required for the authority to support the request.

The second amendment deals with the issue that once the planning amendment is prepared the minister's obligation to provide a draft amendment to the planning authority before engaging with stakeholders. That amendment will give the planning authority 14 days to review the amendment and advise the minister if it does intend to undertake public consultation or does not intend to undertake that or does not support the amendments.

The planning authority can then elect, if no advice is received, not to undertake the public consultation and it can make representations to the minister on the planning amendments within

28 days. The planning authority can choose whether or not to make a representation. The amendment presents this as being discretionary.

The third amendment revises the current drafting to make it clear that the previously mentioned engagement with the planning authority is to be undertaken prior to engagement with other stakeholders.

The fourth updates the current drafting to remove the planning authority from the list of key stakeholders. It will instead be engaged with earlier in the process in the development of the planning amendment.

The fifth increases the period of consultation from 21 to 28 days.

The sixth deals with the planning authority opting to undertake public consultation. The amendment requires the planning authority to provide a representation to the minister after the last day of consultation. It should identify what the representation should include and the commission is to provide reasons for this advice.

The seventh clarifies that the planning amendment that is approved by the minister is to be in accordance with the advice provided by the commission.

We have consulted with stakeholders and negotiated with the Government. This is what good governance can achieve. This is what good parliaments can achieve. It is a cautionary tale to ministers who do very little in an area of work for four-and-a-half years and then suddenly present an option that we have two days to analyse and vote on legislation.

Now, because we have had the recess after things turned to custard because you could not manage the House on the last Thursday of the last sitting, we have been given the opportunity to find solutions to flaws in the legislation. It is beholden on all ministers to spend some time doing this work prior to the coming to the House. You cannot fool around for four-and-a-half years and then drag something into this House and rush it through: not something this important.

If it is a small procedural amendment that changes nothing in anyone's life, then those are the times when legislation can be done quickly. This goes to the heart of what Hobart is going to be in the future. These are the matters with which parliament and the community should take proper time. To exclude people who need to be part of that conversation is foolhardy.

If the amendments discussed with us and the Government resolve our concerns we are pre-disposed to support this legislation. The Government may have struggled previously to get it through this House. I would like to see the Government learn a lesson from this and have those conversations and identify the challenges prior to attempting to ram legislation through.

In the previous government, where the numbers were absolute, they introduced poorly crafted legislation, pushed it through and then tried to fix it up later on. Why do we not act like a proper lower House; why do we not act like a proper parliament and send the very best legislation to the upper House so they can do their job of review and not fix up poorly drafted legislation?

[12.08 p.m.]

Mr GUTWEIN (Bass - Treasurer) - Mr Deputy Speaker, it gives me great pleasure to progress the bill today. This is an important moment for Macquarie Point and the city of Hobart.

The site represents a unique opportunity, 9.3 hectares, as close to the CBD as you can get. It is one of the best development sites in the country. It links together key destinations and activity centres in the city. It represents a huge opportunity in its own right. It will facilitate community, social and cultural celebrations and engagement as well as a hub for arts and culture, innovation, scientific research and design excellence.

The expectation of the community and the industry is the same as the Government's. We all want to see Macquarie Point developed to its full potential and it is time to make that happen. We need to ensure that we move forward on it.

We have just had a history lesson on the site. I want to take a couple of moments to provide some explanation of the journey of this site. The former minister is here; he was successful in getting, I think, a $50 million grant. Some money, $5 million, went towards the Brooke Street Pier, and $45 million was left to remediate the site. It is a difficult and complex site, there is no doubt a significant remediation task, and that takes time.

There was a master plan for the site which went to EOI a couple of years ago. At the time it would be fair to say that it did not receive overwhelming interest. As a result, we asked MONA to play a role in respect of designing the public spaces for that previous master plan. I must admit I have had the benefit in the last month of some very pleasant conversations with Leigh Carmichael of MONA. They went a step further than their initial brief, which was to design an entire vision not only for the site itself but for that particular area, including the Hobart port.

It has always been the Government's intention, after accepting that vision, agreeing with it and adopting it back in 2016, that we would reset the master plan to enable us to deliver the MONA vision. For those who have had the opportunity - which is everybody in the parliament - to look at the overlay of what MONA originally proposed for the 9.3 hectare site and where the planning envelopes now sit, it is quite apparent that we have landed the development areas in the same places that they wanted to see development. We have protected the truth and reconciliation park and, importantly, the public open space which in effect will provide an opportunity in the middle of Hobart for a space that will be able to attract and hold events for up to 20 000 people, which will be unique in respect of any capital city in the country. It provides a unique opportunity.

I want to touch on some of the work we have done with Leigh Carmichael in recent weeks. I thank Leigh for his engagement. I have come to learn in the last month that Leigh is deeply embedded in this project and has a very strong view and opinion about ensuring that we get the cultural and art spaces right and that they provide for this city the opportunity that he believes they will bring. I was somewhat surprised by his initial comments in the way the plan was laid out and his view of how the plan and the uses we had allocated in terms of the envelopes might potentially fetter some of the uses of the site. I also acknowledge Michael Kerschbaum for his work in the department after engagement. Leigh's proposition is really clear. He does not want residential development to fetter the cultural activities on the site. He has explained his reasoning and I can understand that.

This legislation does not reset the master plan itself. It provides the opportunity for a new master plan to be brought forward. In my discussions with him I have made commitments that we will ensure any residential component on the site is located in such a way that it will not fetter what occurs in the public open space area that runs right through the centre of the site and that we are sensitive to ensuring for those who might be residents there that it does not fetter what will be a tremendously important cultural space for the city. Leigh has made some suggestions and it is

worthwhile putting on record - and I will not verbal him - that he would prefer to see no residential development on site. We believe we can if we place it appropriately and ensure that the residential development that occurs does not fetter the cultural aspects of the site.

In terms of what was originally proposed in the current master plan that sits across the site - and I will just get the nod on this - there was 44 000 square metres of residential allowed under the current master plan. We are proposing to reduce that to around 15 000 square metres and it will be located on the site away from the central public open space area.

A comment was made about engagement with local government. Throughout this process, both the corporation and the Government have engaged with officers from Hobart City Council. It has been difficult because of the timing of the election to have an engagement with the elected aldermen, or councillors, as some are now known. I took the opportunity directly after the election to sit down with the new council, outline our thinking and explain to them and provide them with an overview of the reset master plan and how that conformed with the MONA vision. A couple of concerns were raised by the Hobart City Council and the Lord Mayor was gracious enough to recently write to me and raise two key issues. One was the time for public comment on the site development plan and any subsequent amendments allowed, and the other was the case of the minister being the sole authority or decision maker. I believe we will be able to answer both of those issues very clearly with what we bring forward as amendments today.

In terms of what we are doing today and the reset, this is a facilitation bill to allow a reset of the master plan to occur. In allowing that reset to occur and go forward, it is not about taking an area of the city and changing its zoning from commercial to residential or light industrial. What the reset does in simple terms is move the envelopes around on the site that already currently exists to enable the MONA vision to move forward. To my mind it is not a rezoning as we would normally understand it. It is a reset of the master plan that covers an area of ground and simply moves the envelopes that development can occur on around the site to do two things. One is to ensure that we provide a master plan that can give life to the MONA vision. The other is to ensure that we have some very clearly delineated areas with which we can have an informed conversation with the federal government about the Antarctic and science precinct, and obviously we have indicated our desire to see CSIRO move to this site.

The position we want to be in is one where we can have an informed discussion with the federal government and with those agencies that may move to the site, and that we define the areas on the site in line with the MONA vision that we would introduce them to and eventually hopefully have them developed, as opposed to having a discussion with only the current master plan in place or no clearly defined areas and we end up with the Commonwealth Government or a Commonwealth agency defining the site itself instead of allowing us to progress the MONA vision. To have some clarity is important and therefore the timing for why we are bringing this legislation forward.

Ms O'Connor - To see you being a bit more humble is gratifying.

Mr GUTWEIN - Ms O'Connor, once again I find it difficult to agree with you.

Dr Woodruff - True to form. You may not have permissions but you have form.

Mr GUTWEIN - I thank Leigh Carmichael in terms of engagement and in his role. He has been pivotal in ensuring we reach this point. I thank the Hobart City Council for their engagement at officer level and allowing me to present to their planning committee last week. I thank those in

this Chamber who have engaged and discussed this very important site for Hobart. The key thing is that we need to go forward together in respect of Macquarie Point. This will be a development that will shape this city for a long time to come. It is very important if we can move through today and reach an outcome, taking on board the matters raised by the council, by Mr Carmichael and others in this place when the debate was first introduced. That will be very positive. I thank members for their engagement.

We have circulated the amendments and I will not read the introductory notes unless members want me to. In large part, the previous speaker took that opportunity to do so based on the information we had provided. I am confident that the amendments we are moving go directly to the heart of the concerns raised by the Hobart City Council. It dials them right into the process upfront, at a pivotal point, provides them with the opportunity to agree with the master plan, recommend those amendments and send it back to the board for those amendments to be considered. Those amendments might be something that the Government is not comfortable with and we cannot proceed past that point if we are not. It will ensure strong engagement between the Government, between Macquarie Point and the Hobart City Council as a planning authority to ensure we get this landing right.

The overarching aim of the Government has been to ensure we provide an opportunity for the MONA vision to come to light.

Ms O'Connor - You wouldn't have known that from the first crack at the legislation, obviously.

Mr GUTWEIN - Again, if you had looked at the master plan and you overlaid that with the MONA vision you would see that, almost to the metre, the development envelopes conform with what MONA had originally proposed.

Ms O'Connor - You're asking us to suspend disbelief here.

Mr GUTWEIN - The degree of inconsistency was in the opportunity for residential development.

Ms O'Connor - It was going to be plonked right in the middle of the site.

Mr GUTWEIN - That has now been dealt with.

Ms O'Connor - Right, so it wasn't the MONA vision.

Mr GUTWEIN - As to the residential development, 44 000 square metres in the original master plan has been reduced to 15 000 square metres. Now, it includes a change and a commitment to ensure the residential development does not fetter those opportunities. This legislation provides the Hobart City Council with a key role and opportunity at the beginning and at a key point during the process. It also significantly extends the time they have to provide for public consultation. It also ensures that the TPC has a role to ensure we conform with LUPA, it confirms with state policies and projects and that it is in line with the Regional Land Use Strategy as per the act.

I thank members for their contributions. I thank them for their engagement and I reiterate how important this is to ensure we can take the Macquarie Point development forward. This important legislation will help provide a degree of clarity as the master plan moves through the process, for the city deal negotiations to occur over coming months, to ensure we achieve the outcomes we are

looking for in realising an Antarctic and science precinct on the site and in delivering on the MONA vision for the site. With that, I will end my comments, thank members for their contributions and presume we will move into the committee stage.

Bill read the second time.

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2018 (No. 50)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -
Section 3 amended (Interpretation)

Mr GUTWEIN - This is a minor amendment. It is proposed the commission, meaning the Tasmanian Planning Commission established under the Tasmanian Planning Commission Act 1997, be included for clarity.

Ms O'CONNOR - The Treasurer can describe this as a minor amendment, but in some ways it is a significant amendment. It acknowledges that the independent planning authority, the Tasmanian Planning Commission, was comprehensively left out of the original bill. It inserts the commission into the legislation with a new paragraph, by inserting the following definition after the definition of chief executive officer, '*Commission* means the Tasmanian Planning Commission established under the Tasmanian Planning Commission Act 1997.'.

The original bill brought in here was a rushed job, unconsulted, was a crazed power grab on the part of the Minister for State Growth. To recap what the original legislation did before the Government and the minister recognised how poor the legislation was, how poorly consulted it was, was that it gave the Minister for State Growth extraordinary power to set the vision for the Macquarie Point Development Corporation with nothing more than a chat over the table to his colleague, the Minister for Planning.

Today, we are going to discover whether you can put a shine on a cow pat because the original legislation was a cow pat. It was poor law. It was brought in 48 hours before we were expected to debate it, as so much of this Government's legislation is.

It has been reassuring to see, belatedly, this Liberal Government recognise the importance of trying to make sure that legislation which comes through the House of Assembly is solid, is not rushed and is not a power grab on the part of the minister for the day. We have seen this minister time and again try to grant himself extraordinary powers. I make the observation that I hope Tuesday's experience in this place, for Government members and ministers, has been an opportunity for them to grow up and to learn to engage with other members and parties in this place and to make sure that we are debating quality legislation in here.

Originally the bill was a departure from the MONA vision. It was a subversion of good planning process and an arrogant attempt on the part of the Minister for State Growth alone to set the vision for the Macquarie Point site. The risk was always going to be, given this Government's

close connection with corporate interests and its donors, that it was going to be the Minister for State Growth in consultation with developers who set the vision and the people of Tasmania were going to be shut out, as was the Hobart City Council and the Tasmanian Planning Commission. We strongly support the insertion of the Tasmanian Planning Commission back into this legislation and into the interpretive clauses of this act.

Mr O'BYRNE - I support the amendment reinserting the Tasmanian Planning Commission. As the minister outlined in his summing up, this is the first of a series of amendments that deals with a problem of his own creation. I take the minister at face value and at his word when he said we will walk this together. I hope we stay on the same path and you continue to assist us in lighting the way, Treasurer and Minister for State Growth, to ensure that we get this right.

As he said in his summing up, this is a very important place, not only for the City of Hobart and for current generations, but for all Tasmanians and for generations to some. With undue haste the Government brought in the original bill with massive overreach in terms of the minister's powers to make a decision on the footprint which sets the parameters upon which the site will be developed for years to come. It was an enormous overreach and a surprise to many people. On the day the bill was due to be debated in this House earlier this week, an unprecedented letter from Hobart City Council was read into *Hansard* raising significant issues of consultation and ministerial power and the role of the council. The reinserting of the Tasmanian Planning Commission is an important amendment and we thank the minister for working with parties -

Ms O'Connor - Finally.

Mr O'BYRNE - Finally. There is obviously a number of reasons for it. It is not just because he thought it was necessarily a good idea, but we acknowledge the fact that he did, and we take it at face value.

It is true to say that the reason this original bill happened - and I will refer to it later in the debate - is because this Government has really dropped the ball on the process around Macquarie Point since coming to government in 2014. Very little work has been done to ensure that community consultation, community views and the opportunity that can be realised on this site can actually be realised.

For political reasons you introduced a bill which gave you ultimate power, at the same time doing media, completely doing the reset of the site plan in terms of ability for use of that site. This opportunity to create a special place for Hobart and for Tasmania is unique and needs to be taken.

The announcement of the reset, the announcement of the new legislation giving you the powers, and then within 48 hours you propose to ram it through this House, was very untidy, it was inappropriate, and the fact we are now here at this point debating these amendments has shown there is a far better way to get a better outcome. All of us in this House have a responsibility to do the right thing by the community in matters such as development in Hobart, and particularly this site. We all have a responsibility and we all want to be around the table with goodwill.

It is a stretch to say, minister, that with the reset it is still holding faith with the MONA vision. It was clear from the public comments from MONA themselves and many people in the community, the person in the street and business people and arts and cultural leaders within our community, that the coincidence of the reset and the master plan would completely unpick the MONA vision.

I am glad you have had those discussions with Leigh Carmichael from MONA and have consulted more broadly in the last couple of weeks. Maybe you have been on a journey in terms of understanding the full depth of the opportunity presented by the site and the vision espoused by Leigh Carmichael and his team at the Dark Lab. That captured the hearts and minds of the Tasmanian community. It is broadly supported; not a corner here or two metres here or a hectare here, but the conception of what could be there had the support of the Tasmanian community. For the first time in years around the debate of this site we had an agreement or broad support for a vision for that site.

We are now back here, you have listened, Madam Speaker - the former lord mayor of the Hobart City Council is very passionate about this site as well - and we have all worked together to try to achieve an outcome which is the best for Tasmania, but to say your reset is consistent with the MONA vision is a stretch. Now, by including the TPC and the subsequent amendments we will be debating, it brings that master plan into a debate in the public arena with local government and people will have an opportunity to have their say. I have done an opinion piece in the *Mercury* on it and the feedback consistently from a number of people was that the reset did not capture the best that site could be.

We take you at face value, minister. Inserting the TPC is a very good step, but let us not walk off the path after this because we want the best. We have had discussions about this and I know you want the best for that site, so we need to make sure we give it full effect.

Mr GUTWEIN - Mr Deputy Chairman, I move -

> That clause 4 be amended after paragraph (a) by inserting the following paragraph:
>
> (ab) by inserting the following definition after the definition of *chief executive officer*:
>
> '**Commission**' means the Tasmanian Planning Commission established under the *Tasmanian Planning Commission Act 1997*;

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 15 agreed to.

Clause 16 -
(Part 5, Division 3 inserted)

Mr GUTWEIN - Mr Deputy Chairman, this amendment which is proposed to 39G(3) requires the Macquarie Point Development Corporation Board to not only notify owners and/or occupiers of adjoining land it intends to seek a planning amendment as currently drafted, but to also notify the relevant planning authority, which is the Hobart City Council, provide both the planning authority and adjoining landowners and/or occupiers with a copy of the proposed request, and invite both to make representations to the board within 21 days. Through this consultation process the planning authority may advise the board that the authority does not support the proposed request

and the amendments, and those amendments that they would require the authority to support the proposed request.

In reading the amendments in, I move -

That clause 16 be amended as follows:

First amendment -

Page 13, proposed new section 39G(3) leave out the subsection.

Insert instead the following subsections:

(3) If the Board intends to make a request to the Minister under subsection (1), the Board must give to the relevant planning scheme planning authority, and the owners and occupiers of each area of land, any part of which adjoins the site, a notice -

(a) specifying that the Board intends to make a request to the Minister under subsection (1); and

(b) including a copy of the draft, of the proposed amendments to the planning scheme, that it intends to attach to the request under subsection (1); and

(c) inviting the authority, owners and occupiers to make, under subsection (3A), within 21 days, representations in relation to the intended request and the draft referred to in paragraph (b).

(3A) The relevant scheme planning authority and those owners and occupiers to whom a notice has been given under subsection (3) may, within 21 days, make representations to the Board in relation to the request, and the copy of the draft, included in the notice in accordance with subsection (3)(b).

(3B) Without limiting the generality of subsection (3A), a representation made under that subsection by the relevant planning scheme planning authority may include -

(a) a statement that the authority does not support the proposed request or draft; and

(b) a statement of the amendments that would need to be made to the request and the draft in order for the authority to support them.

(3C) If one or more representations have been made under subsection (3A) in relation to a request and a draft of amendments, the Board must, after the last day on which a representation may be made under that subsection -

(a) consider the representations; and

(b) determine whether or not to amend the proposed request and the draft of the amendments so as to take into account any of the representations.

(3D) If the Board determines under subsection (3C)(b) to amend the proposed request and the draft of the amendments so as to take into account a representation made under subsection (3A) -

(a) the Board may amend the proposed request and the draft of the amendments so as to take into account the representation; and

(b) the Board may submit to the Minister under subsection (1) the request, as so amended, and the draft of the amendments, as so amended; and

(c) subsection (3) does not apply in relation to the request and the draft of the amendments.

Ms DOW - Mr Chairman, I have not been in this place very long, but I have been around long enough in local government to know that this bill was not quite right. I could not have accepted it in its current form. I thank the minister for working with us and others to negotiate these amendments, which I believe make this legislation much more robust and in keeping with due process. I have experience of planning procedure in local government and I welcome the inclusion of the TPC as more than just a rubber stamp in this legislation. It is important that there is independent planning assessment against the decision of the minister.

I also welcome the fact that Hobart City Council has been given a say. It is very important for them as the local planning authority to do that. The current site plan does not get down to the nitty gritty details. It outlines a number of proposed amendments. This new process will enable that to be better understood by the council, by the community and obviously for them to have their say. I would encourage people to do that.

I presented about 14 questions to the minister during my response to the first reading speech. A number of my concerns and questions have been set straight in these amendments. Hobart City Council was not consulted very well in the beginning. Given that it was around the time of local government elections you must wonder why something so significant to local government was introduced during that period of uncertainty. I am pleased they have set out their expectations in their correspondence to the minister. Their concerns were echoed by us as the Opposition. I am pleased to see this first amendment included and local government and the local community having an input into this important site.

[12.45 p.m.]

Ms O'CONNOR - There is a question that the minister probably should answer given how substantively this amendment changes the original intention of his bill. What was happening in the minister's mind when a decision was made to dial Hobart City Council and the Planning Commission out of this process? That should be explained. Was it for expediency? Speed of decision making? Was it because you do not trust the Hobart City Council to participate in Macquarie Point's future? Was it because there was a strong desire not to open this process up to public consultation because public consultation takes time? It is not clear why this original bill was such a cowpat of legislation.

For the purposes of *Hansard* so that people can understand how substantively this amendment changes the function of the bill, what this amendment replaces is subclause (3) of the original amendment, which simply said:

> The Board may only make a request to the Minister under subsection (1) if the Board has notified, of the Board's intention to make the request, the owners and occupiers of each area of land, any part of which adjoins any part of the site.

That was simply a clause that required there to be some consultation with owners and occupiers of immediately adjacent properties to the Macquarie Point development site. Now we have a new clause to replace that deficient clause, which appropriately not only dials in the Hobart City Council at this point but provides a discretionary capacity for the council at that preliminary point to go out to public consultation.

Points were made by Ms Dow and Mr O'Byrne about this site and its importance to Tasmania's future, the opportunity that it provides to us, the fact that we should all have some ownership of what happens at Macquarie Point. It is an important consideration that was not part of the original thinking. We support this amendment because it provides the people of Tasmania, for the first time in this legislation, an opportunity to participate and be part of the conversation about Macquarie Point's future. It appropriately includes the Hobart City Council, which is the planning authority for that site. That is what should have been in this legislation from the very beginning.

I am not going to try to rub it in too much but I really hope that the original -

Mr Gutwein - You are having a go at it.

Ms O'CONNOR - The arrogance of putting forward the original piece of legislation - it was so galling. What was the Premier saying yesterday? He has done the count - 263 days into this Government, so let us make it 265 now - but there is a long way to go. Three-and-a-half years. Can we expect a shift from the past four-and-a-half years where legislation was not properly thought through or consulted on? No amendments by opposition parties were countenanced or accepted and deficient legislation was going to the upper House to be cleaned up because in their first term of Government, on the weight of their numbers, they thought they could jam through this place any piece of legislation that took their fancy. It did not matter what other members pointed out as deficiencies in that legislation or places where it could be improved. None of those were ever incorporated, bar once, when the new Attorney-General, Ms Archer, came into the role. It was either on her first or second piece of legislation, she finally accepted an amendment from the other side because it was simply common sense. We need to be debating legislation in that way.

Hopefully, now it is very clear the Liberals no longer have that fat majority and are sitting on a very precious majority, which some have called a minority, we need to be having frank, inclusive debates in this place that make sure the legislation that leaves the House of Assembly is the best it can be, that it does operate in the best interests of Tasmania and its people and we are not leaving it to the upper House to clean up wholly deficient legislation because the Liberals could not bring themselves, in their arrogance in the last term of the Parliament, to listen to any constructive input or incorporate any improvements to legislation that they brought forward.

Mr GUTWEIN - Thank you for the support of the previous speakers toward the amendment. To clarify, the MONA reset in 2016 has been well understood across the community and supported by the Hobart City Council through the last two years. They have engaged with the Hobart City

Council as to its view on Macquarie Point and the wastewater treatment plant in a range of discussions. To argue they have been completely ignored is simply not the case. In the bill as it currently stands, the notification you raised that appears in clause 3, they would have been a part of that notification as an adjoining land owner. Second, the bill we are now amending also allowed for a 21-day period, whereby the council would have had an opportunity to consider this.

It is fair to say the amendments and the drafting of the reset master plan has been discussed at officer level. I understand that is not elected level. It has been difficult to have that conversation in recent weeks. I would have much preferred to have been speaking with an elected council earlier. Due to the local government elections, it is difficult to have that conversation until you are aware of who is going to be the council. I had that with the council at the earliest opportunity.

One of the motivations has been the Hobart City deal.

Ms O'Connor - What is it?

Mr GUTWEIN - You can be trite. You are attempting to pick a fight that is not there. We are working through a process toward landing a Hobart City deal, which you are well aware of.

Mr O'Byrne - Your DD in question time was trying to pick a fight, too.

Mr GUTWEIN - I thought it was an attempt at humour.

Mr O'Byrne - It was a strong attempt.

Mr GUTWEIN - It was a strong attempt and you bounced off the material I provided and I think it worked.

Mr O'Byrne - I think we both won.

Mr GUTWEIN - Mr Bacon made the point and that was something I did overlook. To wind him into it as well would have been the cherry on top but I missed that opportunity. Mind you, he did throw himself on his spear.

One of the aims was to ensure we could move forward with a process, whereby the current master plan provides for a site plan that does not support the MONA vision and will not provide sufficient space for the Antarctic and science precinct. My intention was to ensure we had informed discussions with the Commonwealth and its agencies as to the Antarctic and science precinct and that the MONA vision would define the site, as opposed to being in a position without that definition and for a Commonwealth agency define where it wanted to land. It is unfortunate that the timing of the local government elections meant that there has not been as much engagement with the elected representatives of the Hobart City Council.

What we have before us will ensure that does occur. I am an outcomes-based politician. I want to see an outcome that enables us to move forward with the MONA vision and ensures we have an opportunity to bring the very best out of this site.

Mr O'Byrne said the conversations with Mr Carmichael have been informal. They have, but in terms of the cultural and arts aspect and in terms of the opportunity, I have always understood that. I was surprised at the concern about the inclusion of residential development. We thought we had

dealt with that to a large degree by reducing the footprint from 44 000 down to 15 000, to ensure there was less of an impact or a fettering from residential development. In those discussions with Mr Carmichael it became quite clear we needed to ensure that was managed more appropriately. The reset master plan that goes forward for consideration will take those matters into account.

I thank members for their contributions and their support of that particular amendment. With that, I end my contribution.

Amendment agreed to.

Mr GUTWEIN - The second amendment, page 15, proposed new section 39H - Preparation of proposed amendments. Mr Deputy Chairman, I move -

> That proposed new section 39H be amended by, inserting the following subsections after subsection (2) -
>
> (2A) After preparing under subsection (1) proposed amendments to the relevant planning scheme and before complying with subsection (3), the Minister must provide to the relevant planning scheme planning authority a notice -
>
> (a) containing a copy of the proposed amendments to the relevant planning scheme; and
>
> (b) requesting the authority to give to the Minister, within 14 days, a notice under subsection (2B) in relation to the proposed amendments; and
>
> (c) specify that, if the authority does not give to the Minister a notice under subsection (2B)(a) or (c), the authority may, within 28 days after receiving the notice from the Minister, make representations in relation to the proposed amendments.
>
> (2B) The relevant planning scheme planning authority must, within 14 days after receiving a notice under subsection (2A) in relation to the proposed amendments, give to the Minister -
>
> (a) a notice specifying that the authority intends to seek representations from the public in relation to the proposed amendments; or
>
> (b) a notice specifying that the authority does not intend to seek representations from the public in relation to the proposed amendments; or
>
> (c) a notice specifying -
>
> (i) why the authority does not support the proposed amendments; and
>
> (ii) a statement of the amendments that would need to be made to the proposed amendments in order for the authority to support them.

(2C) If the relevant planning scheme planning authority gives the Minister a notice under subsection (2B)(b), the authority may, within 28 days after receiving the notice from the Minister, make representations to the Minister in relation to the proposed amendments.

(2D) If the relevant planning scheme planning authority gives to the Minister a notice under subsection (2B)(a), the planning authority must -

(a) within 14 days, cause a consultation notice in accordance with subsection (2E) to be published in a newspaper published in, and circulating generally in, the State; and

(b) cause a copy of the proposed amendments to be made available for viewing by the public at the offices of the authority and at an electronic address of the authority.

(2E) A consultation notice in relation to proposed amendments is to -

(a) invite persons and bodies to make, within 28 days after a date, specified in the notice, that is after the date on which the notice is published under subsection (2D), representations, to the relevant planning scheme planning authority, in relation to the proposed amendments; and

(b) specify the address of the offices of the authority, and the electronic address of the authority, at which the proposed amendments are available for viewing; and

(c) specify the address, and an electronic address, at which any representations under subsection (2F) may be lodged.

(2F) A personal body (other than the relevant planning scheme planning authority) may, if a notice has been published under (2D)(a) in relation to the proposed amendments, make to the relevant planning scheme planning authority, within 28 days after the notice is published, representations in relation to the proposed amendments by lodging them at an address specified in the notice.

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

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2018 (No. 50)

In Committee

Resumed from above.

Mr GUTWEIN - Mr Chairman, I will continue from before the lunch suspension -

(2G) If the Minister receives a notice under section (2B)(c) in relation to the proposed amendments -

(a) the Minister must provide a copy of the notice to the Board; and

(b) the Minister must notify the Board that, if the Board does not take action under subsection (2H) in relation to the request to which the proposed amendments relate, the request will be taken to have never been made; and

(c) if the Board does not provide to the Minister an amended request and amended draft under subsection (2H) within 21 days or a longer period allowed by the Minister, the request under subsection (1) is to be taken to have never been made; and

(d) if the Board provides to the Minister an amended request and amended draft under subsection (2H) -

(i) the request and draft of the proposed amendments are to be taken to be the first request and draft prepared under section 39G(1); and

(ii) the requirements of section 39G are to be taken to have been satisfied in relation to the request and the draft of the proposed amendments; and

(iii) subsection (1) applies in relation to the request and the draft of the proposed amendments.

(2H) If the Board receives a notice from the Minister under subsection (2G)(b) in relation to a request and the draft of the proposed amendments prepared by the Board under section 39G to which the request relates, the Board may, within 21 days, or a longer period allowed by the Minister, provide to the Minister a copy of the request, and the draft, that the Board has amended in accordance with statement set out in the notice under subsection (2B)(c) in relation to the proposed amendments.

Mr O'BYRNE - This is the key amendment on the point that allows the Hobart City Council to undertake public consultation. This is the trigger point for public consultation. This was one of our main challenges with the bill as originally drafted. For the setting of the master plan, you wanted to remove all planning approvals, all public consultation beyond press releases from the Government or from the Macquarie Point Corporation and make a decision on the footprint or the master plan, and deal the council back in once the most important part of the work had been done, which is setting the master plan.

In your previous response you said you had not ignored the MONA vision. You are right: you had not ignored it but you misunderstood it. It is not so much the amount of housing, it is the use that is the issue. If you overplay the housing in that area and around the public open spaces, you restrict the capacity for significant cultural events to occur. Hobart does not have a place for large scale events at various times of the day and night where communities can come together and

celebrate. Yes, it is a big public open space but so is Salamanca Place and Princes Wharf No. 1, where people come together. Even during the Taste of Tasmania and the Dark Feast, people in Salamanca Square and beyond complain about the noise very early on in the evening. It restricts the usage in light pollution and smoke. There is a lot of fire and smoke about at the Dark Feast. It is a magnificent event and brings people out in the middle of winter, at a cold time when winter is hitting Hobart. Fire and light shows bring people together and you have that community warmth.

The challenge with having too much accommodation or accommodation in direct impact of those events restricts the capacity of those events and adds cost. You need to move people out quickly. You restrict the size and scope of what can happen on that site. With too much housing, one complaint is all it takes. One complaint will cost the event. One complaint could risk the event and one complaint reduces the capacity for a range of events in terms of traffic. We do not have a place where, on one night, the people of Hobart can come together for Christmas carols. We know communities around the south have their own Christmas carols but it was down at Sandown and outgrew that. It was over two nights at St David's Park and you still could not fit everyone in. The Botanical Gardens was a bit of disaster for the Hobart City Council in attempting a truly genuine community event. The Christmas carols are not the only example of what could happen down there.

Mr Jaensch - You've accounted for two nights of the year, now.

Mr O'BYRNE - That is right. It is the capacity, Mr Jaensch. It is the capacity of what can happen there. As soon as you have an extension of housing directly impacted by the activities in that space identified as public open space, it is a dead hand on any creative and cultural events beyond the standard that can already be provided in Hobart. This is the moment and, in discussions with Hobart City Council and a number of the councillors, we urge them to exercise this right once the master plan is sent to them. It is a very important right to allow public consultation. They comment and make the decision to trigger public consultation. Are you going to clarify something? Do I have the wrong amendment?

Mr Gutwein - No, no.

Mr O'BYRNE - This is the first point where they trigger a public conversation and that is what was missing -

Ms O'Connor - It is a discretionary point at the previous amendment to trigger a public conversation, which is also important.

Mr O'BYRNE - That is right, exactly. There are multiple points of community consultation. That you tried to ram through that legislation and announce the reset in such a way has triggered a lot of interest in the future of that site. That is, inadvertently, the silver lining of your decision to try to ram through that bill within 48 hours. My good friend, the member for Braddon, made the point that, after four-and-a-half years of inaction, you chose this moment. There was a clear political agenda we are not aware of. Maybe the minister can enlighten us on this. I will give him the opportunity. You chose this moment to bring in this legislation. This is a crucial part of the amendments we have all been fighting for to allow the people of Tasmania a say through their local planning authority, the Hobart City Council, and to express views and opinions and hopes and dreams for that site.

Ms O'CONNOR - Minister, you are enjoying being beaten up and, might I say, you deserve it. We support this amendment and I agree with everything the shadow minister said. This is the

second amendment that gives more than a nod to the need to involve the people of Tasmania in conversation about the future of that site. It creates significant capacity for the Hobart City Council, as the properly constituted planning authority, to be a central part of the future development of Macquarie Point. It substantially improves the bill and we are glad to support it.

Mr GUTWEIN - I thank members for their contributions and support for this clause. The Government has tried to ensure we can provide and give life to the MONA vision. In my conversations with Leigh Carmichael, he has pointed out very clearly that residential needs to be separated from the main public areas on the site.

We had proposed to drop the amount of residential from 44 000 square metres as the plan stands today to only 15 000 square metres in the proposed master plan, bearing in mind that is the one that has been shared with the Hobart City Council. We shared that with Mr Carmichael.

A new master plan will be worked up which will capture those commitments we have made in not fettering the site.

Providing this opportunity for the council is not without risk. I want to put that on record. If the Hobart City Council wanted to amend the plan and include 44 000 square metres of residential accommodation again, or residential accommodation that was in areas that impinged on the Truth and Reconciliation Park or in any of those public areas, then the legislation binds me to take that back to the board to consider. The government at the time would be bound by that or to do nothing, which takes us back to the plan that is in place. We start again with the process.

I want to make that point clear: it is not without risk. We have had a mind to ensuring that the MONA vision could be realised. In conversations with Leigh Carmichael, I have come to understand his view on this and where we allow for residential on that site. I have committed to ensure that we put it in places which will not fetter the activities on the site. That is an option that could come back and we could be back to square one. I want to place that on record.

It provides the Hobart City Council with three options. Should a minor amendment come forward with which the council does not want to go through the full consultation period, they can have a 28-day period that we can effectively tick and flick it, if that is what they wanted to do. I feel comfortable providing that option to the council and to the parliament.

The bill before, in terms of achieving the MONA vision as we understood it, came with less risk than this version. In saying that, I accept the points that are being raised and accept the support for the proposed amendments.

It now becomes a process that will have a significant amount of engagement, both at the early stages we discussed in the previous amendment and also with this amendment before us.

[2.43 p.m.]

Ms O'CONNOR - Chair, I want to make this observation. Minister, the risks involved in having a robust planning process that involves public consultation, given that we are dealing with the future of a site which is very significant and has enormous potential, is much less than the risk of leaving the decision about the future of the site and the development of the MONA vision and the master plan to yourself and the Minister for Planning. It is important that we place on the record that was the alternative to the amendments that we are dealing with today.

In any vibrant and robust democracy, what you call risks come down to communication. I am sure that Mary Massina and her team, Leigh Carmichael and the MONA vision, yourself and your office will be engaging in a constructive way with the relevant planning authority, which is the Hobart City Council, on the development of the vision for the Macquarie Point site. Even at this late stage in your life it is possible to teach an old dog new tricks. I truly believe that the makeup of the parliament now is going to help you and your colleagues evolve not only as parliamentarians but as people.

Amendment agreed to.

Mr GUTWEIN - I move my third amendment -

Page 16, same proposed new section 39H, subsection (3), before 'and before'.

Insert 'and receiving from the relevant planning scheme planning authority a notice under subsection (2B)'.

This amendment is to revise the current draft and to make it clear that the abovementioned engagement with the planning authority is to be undertaken prior to the engagement with other stakeholders. The Hobart City Council receives it for that period before I consult with the board, the utilities, state agencies and so on and with the Planning Minister.

Amendment agreed to.

Mr GUTWEIN - I move my fourth amendment -

Same page, same proposed section, same subsection paragraph (b), Leave out the paragraph.

Similar to the previous amendment, this amendment updates the current drafting to remove the planning authority from the list of key stakeholders as it will instead be engaged with earlier in the development of the planning amendment.

Amendment agreed to.

Mr GUTWEIN - I move my fifth amendment -

Same page, same proposed section, subsection (4). Leave out the proposed subsection. Insert instead the following subsection:

(2A) A notice for the purposes of subsection (3) in relation to proposed amendments is to invite the persons or bodies to whom the notice is provided to make to the Minister, within 28 days, representations in relation to the proposed amendments.

This amendment increases the period of consultation with key stakeholders from 21 days to 28.

Amendment agreed to.

Mr GUTWEIN - I move my sixth amendment -

Same page, same proposed section, subsection (5). Leave out the proposed subsection. Insert instead the following subsections:

(5) A person or body to which a notice under subsection (3) has been provided may make to the Minister, within 28 days after the notice is provided, representations in relation to the proposed amendments.

(6) If a notice has been published under subsection (2D)(a) in relation to the proposed amendments, the relevant planning scheme authority must, within 21 days after the last day on which a representation may be made under subsection (2F) in relation to the proposed amendments, provide to the Minister -

(a) a copy of all representations received by the authority in relation to the proposed amendments; and

(b) a copy of the authority's opinion in relation to the representations; and

(c) a copy of any representations the authority wishes to make in relation to the proposed amendments.

(7) The Minister must, within 21 days after either the last day on which a representation may be made under subsection (5) or, in a case to which subsection (6) applies, the day on which the Minister receives copies of representations under subsection (6), whichever is the later day, provide to the Commission -

(a) a copy of the proposed amendments; and

(b) if the Minister is considering approving under section 39I (1) a copy of the proposed amendments in the form of the proposed amendments altered as the Minister thinks fit - a copy of the proposed amendments as so altered; and

(c) a copy of all the representations made in relation to the proposed amendments; and

(d) a notice requesting the Commission to provide to the Minister a notice under subsection (8) in relation to the proposed amendments and the proposed amendments, if any, provided to the Commission under paragraph (b).

(8) The Commission, within 21 days after receiving a notice from the Minister under subsection(7)(d) may, by notice to the Minister -

(a) advise the Minister that, in the opinion of the Commission, the requirements of section 39G(4)(b)(i), (ii) and (iii) have been -

(i) satisfied in relation to the draft of the proposed amendments to the relevant planning scheme; or

(ii) if a copy of the proposed amendments is provided to the Commission under subsection (7)(b) - satisfied in relation to those proposed amendments; or

(b) provide to the Minister the amendments that, in the opinion of the Commission, are required to be made -

(i) to the draft of the proposed amendments to the relevant planning scheme; or

(ii) if a copy of the proposed amendments is provided to the Commission under subsection (7)(b) - to those proposed amendments -

in order for the requirements specified in section 39G(4)(b)(i), (ii) and (iii) to be satisfied in relation to the proposed amendments, and the reasons why the Commission is of that opinion.

Amendment agreed to.

Mr GUTWEIN - The seventh amendment clarifies that the planning amendment that is approved by the minister is to be in accordance with the advice provided by the commission.

I move -

That proposed new section 39I subsection (1) be amended by

Leave out 'section 39H(5)'.

Insert instead 'section 39H(2C), (5) or (6)(c) and after altering the proposed amendments in accordance with the amendments, if any, of the Commission provided to the Minister under section 39H(8)(b)'.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clause 17, agreed to and bill taken through the remaining Committee stages.

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2018 (No. 50)

Third Reading

[2.55 p.m.]

Mr GUTWEIN (Bass - Minister for State Growth) - Madam Speaker, one matter I wanted to ensure was understood was the light rail corridor and the changes we have made to the bill. In the original amendments facilitating inclusion to the corporation's principle objectives in section 6 and functions in section 7. It requires the corporation to ensure the development and maintenance of a

corridor allowing transit through the site by means of public transport, pedestrian and bicycle traffic so as to enable the connection to the site with areas adjacent to it.

As a facilitation act it creates and provides a framework to protect and manage the transit corridor. The protection of the transit corridor is critical as it is a fundamental asset required to provide for public transport solution to connect to the northern suburbs transit corridor. This is a facilitation bill. The transport corridor is now a part of the powers and functions of the corporation, the master plan will be the vehicle that outlines where the corridor can be, and then through the planning process we will ensure those corridors are maintained and the access that is sought through the site is available.

Ms O'Connor - For the removal of doubt, there is a commitment on the part of the corporation and this bill does nothing to prevent the protection of the light rail corridor and light rail into Macquarie Point?

Mr GUTWEIN - Yes, light rail into Macquarie Point. I have been very clear that I think we need to do a cost-benefit analysis in terms of light rail versus trackless trams.

The corridor itself is protected into the site, and then as we work through with a master plan in terms of the transport corridor and access through the site, those matters will be dealt with then. It is very clear that it is protected.

Bill read the third time.

BURIAL AND CREMATION AMENDMENT BILL 2018 (No. 56)

Second Reading

[2.57 p.m.]

Ms ARCHER (Clark - Minister for Justice - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

This bill proposes amendments to the Burial and Cremation Act 2002 that will clarify and strengthen the regulatory framework for cemeteries. In doing so it addresses legitimate concerns raised by community members in relation to how cemeteries are sold and managed.

The current act is reflective of the circumstances that existed at the time it was drafted and does not contemplate the wide-scale sale of properties that include cemeteries. Historically in Tasmania, cemeteries have been owned by religious organisations, councils and commercial cemetery operators.

The Anglican Church's decision to embark on a significant property divestment program, which includes the proposed sale of a number of cemeteries, has prompted community members to question what will happen to these cemeteries, including whether members of the public will continue to be able to access gravesites, and what will happen to exclusive rights of burial in a cemetery that is sold.

The Tasmanian Government believes that the existing legislation does not provide adequate protections and does not align with community expectations to ensure that cemeteries are not sold to individuals who may lack the capacity to properly manage them.

Earlier this year, the Government commenced a review of the act and associated legislation. This work has identified priority amendments that are necessary to address an immediate need to protect the rights of community members. The review is ongoing, and it is anticipated that additional improvements to address other important but less urgent issues are intended to be introduced in 2019.

On 24 September 2018, the Government released a draft bill for public consultation, outlining the first stage of amendments. A number of changes have been made to address issues raised during consultation. The amendments we are proposing have been well received by the community. The Government is working to ensure that cemeteries will be properly protected, and that these changes will strengthen both the rights of community members and, where appropriate, the obligations on cemetery managers.

As part of the new governance approach, the bill establishes a regulator, who will have the following functions:

- to oversee the sale and transfer process, ensuring cemeteries that are sold are owned by suitable entities;

- enforcement of regulatory obligations, ensuring accountability and transparency in the management of cemeteries; and

- oversight of the closure process and ongoing protection of gravesites beyond the closure of the cemetery.

The regulator is not a new bureaucratic entity, but bolsters the powers of the Director of Local Government to oversee compliance.

A fundamental part of this bill is the new cemetery sale approval process. The provisions allow the regulator to ensure the cemetery is in compliance with the act before it is offered for sale, including whether the records are up to date before the cemetery changes hands.

The existing notification process for prospective cemetery managers will now become an application process, meaning the onus shifts to the prospective cemetery manager, rather than relying on an objection by the Director of Local Government to approve, rather than not object to, a new cemetery manager.

The bill provides clarity by setting out that a person becoming a cemetery manager must be a body corporate with perpetual succession, and lists the matters that may be considered as part of the test of whether that entity is a 'fit and proper person' to manage a cemetery.

By requiring new cemetery managers to be a body corporate with perpetual succession, the owner will be a legal entity that will continue despite the death, bankruptcy or change in membership of any owner. In determining an application to become a cemetery manager, the regulator will also consider the capacity of the body corporate to meet its obligations, having regard to matters such as previous experience and financial capacity.

The cemetery manager application process introduced by this bill is important to ensure community confidence in the management of cemeteries. When cemeteries are managed by private individuals, it is difficult to resolve who the new cemetery manager would be if the individual abandons their responsibilities, passes away or is unable to continue managing the cemetery.

The practical effect of this change is that cemeteries will be managed by entities whose purpose is directly related to managing the cemetery. Community groups interested in taking on the management of a cemetery will be able to do so but will first need to ensure they are incorporated.

The change also rules out the possibility for private individuals seeking to acquire property that contains a cemetery for use as a residential dwelling to do so. This is consistent with the approach in other states and territories, where cemeteries are managed by groups such as a body corporate, cemetery trust or cemetery authority.

It is important to note that the application process for new cemetery managers does not apply to past sales, in line with the principle that legislation should not be applied retrospectively and to allow cemetery managers to continue carrying on their business.

It is acknowledged that a small number of cemeteries have been sold to private individuals under the current legislation. The Director of Local Government has committed to work through options in good faith that could deal with legacy arrangements in the second stage of the review.

The bill also provides safeguards to prevent cemeteries changing hands outside the process identified in the act, including requiring that the Recorder of Titles refuse to register a transfer of title if the purchaser has not been approved by the regulator.

Beyond the sale approval process, the amendments support the regulator to ensure cemeteries are operated and managed in accordance with the act by increasing penalties for a failure to meet cemetery manager obligations, and allowing the regulator to issue infringement notices and directives to cemetery managers and request an audit of compliance.

These powers will allow the regulator to take a risk-based approach to overseeing compliance and react responsively to address compliance concerns. This approach will also incentivise cemetery managers to comply with their obligations.

These changes are in line with community expectations that cemetery managers can and will be held accountable for the proper management of the cemetery.

The Government recognises that there is a strong community expectation that the right to honour the deceased is intergenerational. The Government has heard from many people in the community who raised concerns that the existing 30-year timeframe for the closure of cemeteries is too short, and questioned what will happen when a cemetery is closed. The closure processes outlined by the bill will give the regulator appropriate powers to ensure individuals' remains are treated with dignity and respect.

The bill increases the time period before a cemetery can be closed to 50 years since the last interment, and requires cemetery managers to apply to the regulator to close the cemetery. The regulator can place conditions on the closure, such as requiring certain graves not be moved. Importantly, these powers will allow the regulator to ensure that the graves of war veterans are protected and treated with due respect.

The bill clarifies that even if the cemetery is closed, obligations on cemetery managers, such as maintaining the cemetery and allowing reasonable access, still apply. Closure of the cemetery does not mean that the cemetery manager can remove headstones or exhume bodies.

Building on this amendment, the bill effectively prevents cemeteries from being used for other purposes for 100 years since the last interment. The bill introduces a default time period of 100 years since the last interment before cemetery managers may apply to the regulator to lay the cemetery out as a park or garden. While the regulator has the power to reduce this time period on a case-by-case basis if deemed appropriate, it will not be before 50 years since the last interment.

The regulator can also place conditions on the approval, if needed, to protect graves or monuments on the site. The compliance framework will allow the regulator to ensure cemeteries are maintained to an acceptable standard, and clarifies that cemetery managers are responsible for the maintenance of the overall cemetery infrastructure, while family members are responsible for maintaining individual graves, including headstones and monuments. This maintains the status quo and is consistent with the approach that is taken in other jurisdictions.

The bill further protects gravesites by strengthening the process cemetery managers must take to notify an appropriate person when a monument is damaged or falls into disrepair, or the circumstances when responsibility falls on the cemetery manager to repair.

The bill also allows the regulator to declare that land ceases to be a cemetery if it was being used for another purpose for at least 50 years before the commencement of the amendment act, or if it is in the public interest to make the declaration, and the purpose for which the land is being used is not consistent with the use of the land for a cemetery. This deals with historical cemeteries that have not been used as cemeteries for some time and where there is little or no evidence that it was once a cemetery.

The purpose of the public consultation feedback was to elicit feedback from key stakeholders, including community members and cemetery managers. The Government has taken this on board, and the final bill before the House includes some key changes from the consultation draft. These changes balance community concerns regarding the future management of cemeteries with the need for cemetery manager obligations to be reasonable and not significantly increase costs.

These changes do not change the overall intent, but clarify that while cemetery managers are responsible for maintaining the cemetery, they are not responsible for maintaining individual graves. However, there is a process they must follow to notify a responsible person when the grave becomes unsafe and may require repair or removal.

Rather than imposing a mandatory five-yearly audit as was initially proposed, the regulator will adopt a more flexible risk-based approach. Where compliance concerns have been raised, the regulator may request more frequent audits, while cemeteries that operate in compliance with the legislation and have had no burials for some time may be audited less frequently.

The changes to audit and maintenance provisions reflected in the final bill significantly lessen the impact of the increased closure timeframe on cemetery manager and, as I have described, the closure process has now been staged in response to the issues raised by cemetery managers.

Outside of the sale and closure processes, the bill does not significantly change day-to-day obligations on cemetery managers. It should not impose any significant cost on cemetery managers

who are already meeting their obligations and are operating their cemetery to an appropriate standard. It does, however, improve the ability of the regulator to monitor compliance and ensure that cemeteries are being properly managed.

The amendments proposed by the bill before the House today provide necessary safeguards while the Government undertakes its broader review. Through the public consultation process we have listened to feedback from community members, cemetery managers and other stakeholders. The framework proposed by this bill provides for greater accountability in the management of cemeteries without imposing any significant or unreasonable cost increase upon cemetery managers. The bill provides checks and balances to ensure probity in the sale and closure processes.

I commend the bill to the House.

[3.10 p.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, I thank the minister for her work in pulling this together and understanding that due to the conflict of interests of the Treasurer, who has two family members interred in Nunamara, as part of the sale. This has essentially triggered the work of Government to respond to what is a very significant and, in many communities, shocking decision to sell church properties in the Anglican Diocese across Tasmania. I will not reflect on the motivations of the Anglican Church to make decisions as they are working through a process.

It is very clear the decision to sell so many church properties across the state, many of which have cemeteries attached to them, has triggered significant community upheaval, particularly in our rural communities. I have been in contact with a number of communities that are very concerned about the future of their cemeteries. The decision that has prompted the writing of this bill is one of deep concern. We wish the church and those communities the best in trying to resolve these issues for the betterment of the church and the local diocese and the local communities. A number of options are being canvassed by communities across the state and it is still a matter to be worked through.

Ms Archer - It actually highlighted the deficiencies.

Mr O'BYRNE - Yes. When you have legislation people have been working under for many years it can sometimes take a cataclysmic sort of event or decision to cast a light over the bill, its powers, its scope, and trigger a legislative response.

The bill was out for significant public comment for a period of time and we received representations from many people - the Uniting Church, Anglican Church, Catholic Church, Local Government Association of Tasmania, cemetery owners, people involved in the industry and the very small group of people who own church properties but are not incorporated organisations. They are not a faith-based organisation but individuals who happen to own a building with a cemetery attached. Whilst there is no retrospectivity, this has caused some concern and grief. We are concerned about some unintended consequences for those people, such as having to go through the cost to strata and split up their properties, which is not great. I acknowledge you cannot resolve every matter, minister, but that is a concern.

I understand there is a time imperative but we found it difficult to have proper consultation with people on the final draft of the bill. It hit the parliament on Tuesday and it is now Thursday afternoon. We have made, as best as possible, contact with a whole range of interested groups. I

am concerned that in dealing with this matter today, the final bill and not the original bill, we could be creating some unintended consequences.

Ms O'Connor - They could be cleaned up in the review.

Mr O'BYRNE - They can be cleaned up in the final review. Let us hope so.

Ms Archer - They can.

Mr O'BYRNE - No, I think they are very different circumstances because they have been very clear amendments globally in dealing with the matters we dealt with.

Ms Archer - I won't reflect on a previous matter.

Mr O'BYRNE - Let us not reflect on a previous matter of the House. That is best for all of us. Let us try to keep it nice.

There are some significant questions. I thank the minister for making her staff available in two short periods. There was 15 minutes the other day. I could not make that briefing but I did make it today. Subsequent to that briefing, more questions have come through.

Ms Archer - It is only because of the time pressures with this one.

Mr O'BYRNE - I understand that, so I am not going to be too judgmental. As legislators, we need to be making sure we make the right decisions for those affected. Some questions were raised with me that I have not had the chance to raise with your staff or with departmental representatives. There will be a debate and a discussion in the other place with some of the members involved because they are deeply engaged in this topic.

There remains a wide scope of power and unfettered discretion in the regulator and a long-term obligation on a cemetery manager to make ongoing and significant expenditure on a cemetery long after last burial and closure. There seems to be no avenue to compensate income and the community will be required to fund an obligation to look after the site in which the remains of others are disposed. That is not a new issue to you, minister.

The draft bill has the potential consequence of discouraging interest in establishing new cemeteries or extending existing cemeteries. This could result in a possible shortage of interment space in Tasmania once the existing cemetery has reached capacity. Alternatively, the price of individual interment, including of ashes, must increase substantially in order to meet life-cycle costs associated with the obligations intended under the bill. The community is concerned about the future absence of adequate burial capacity, with the cost of interment to be directed to the person or corporate body approved as a cemetery manager and not this parliament, which is making the legislation. The issue of cost has been raised. Even after the draft bill, with the amendments that were made to allow the regulator to decide at an earlier point, there is still a level of concern.

There is currently a definition in the Burial and Cremation Regulations for senior next of kin, which is different to that proposed by the bill. Why are there two definitions? Is it intended to amend the regulation and remove the definition? The regulations include a definition for spouse but the act and the bill are silent.

The approval to be a cemetery manager appears a one-off consideration. There does not seem to be a provision for review or approval for a period to allow reconsideration if any of the disqualifying conditions occur in a personal body after that approval has been granted. We hope this can be resolved. It is a concern if it is a one-off power. It may be that the regulator in another part of the bill you propose has the discretion or the power to act.

With regard to maintenance, the bill does not define or provide any guidance as to what may constitute disrepair: disrepair, defacement or damage, as opposed to decline through use and deterioration, particularly given the obligation to maintain a cemetery as an unclosed cemetery for 50 years after the last burial and not to remove any monument or human remains for at least 100 years after the last burial. Some assistance around the definition would be helpful.

There remains no explanation as to why there must be two approval processes for a new cemetery. The definition of cemetery says it is a place approved under LUPAA but the bill requires it must also be a place approved under the act. The bill must clarify whether the two processes are to operate independently of each other, or whether one is to be dependent on and follow the other. For example, the regulator must not receive an application under the act to establish a new cemetery unless there is a permit, in effect, under LUPAA, to use the land for a cemetery.

There are some concerns with the sale and closure of cemeteries related to the 100 - year rule. That may be covered in the discretion of the regulator to take action.

Does the regulator have the power to initiate action without having something referred to them? If they become aware of something that would be of concern under the intent and the powers of the act, would they have the power, without having something formally referred to them, to act?

Ms O'Connor - Or off the back of an audit of the records.

Mr O'BYRNE - Yes. After closure a cemetery cannot be converted to a place of quiet recreation until not less than 100 years has passed since the last burial and must have the approval of the regulator.

The land ceases to be a cemetery. A new provision, 31A, is useful for avoiding challenge to the right of the person or body to dispose of or use land on which conversion of use from the cemetery has already lawfully occurred. However, the provision is unfair in that it operates retrospectively, the right does not exist unless the conversion occurred more than 50 years ago and that the changed use may be inconsistent with use of the land of the cemetery. The provision in effect resurrects the cemetery but not those who are interred within. A person must rely on a conditional approval or declaration to the regulator for a discretionary decision to continue with an established lawful use if the period since the land was used as a cemetery is less than 50 years. The language is subtly different in 31A to that used in other provisions. It does not identify land as a closed cemetery, despite section 29B describing a closed cemetery to include a cemetery closed before commencement of the amending act.

This is very technical legislation. I understand you have gone through a public consultation. We have only seen the final bill over the past couple of days. There has been a bit on in the past couple of days.

Ms Archer - I am not sure what that last one was about, in a nutshell.

Mr O'BYRNE - I am not as close to it as the people who are close to the industry. It is about land that ceases to be a cemetery. It is about inconsistent provisions and retrospectivity. Do you want me to read that again? Would that be helpful?

Ms Archer - We did that, thank you.

Mr O'BYRNE - We support the need to upgrade and revamp the bill. Other work will need to occur following the bill's passage, if it does pass through the parliament. The decision by the church is a big one for communities. Such a large upheaval, particularly of rural communities, is regrettable for Tasmania. Ultimately the Anglican Church is the master/mistress of its own destiny, but it is concerning they have done this, which has resulted in the need for this bill. We support the principles and the requirement to amend this bill but we are worried we have not been able to fully consult with people over the past two days. Some of these things, hopefully, will be cleared up, but if they are not the Government may need to reflect.

Ms Archer - Or if they had been better prepared and separated the properties, for example.

Mr O'BYRNE - Yes, that is exactly right.

My friend and colleague, the member for Lyons, has many rural communities in her electorate that have been impacted by the decision. She has been working closely with communities. She has foreshadowed an amendment and Ms Butler will talk on that soon. We will need to go into Committee for that amendment.

[3.25 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, the Greens will be supporting the bill. We are having this debate today as a result of a momentous decision made by the Anglican Church in the context of the National Redress Scheme to provide a measure of compensation and justice to survivors of past sexual abuse.

Since this issue arose in the public debate and there has been, right across Tasmania, concern in rural and regional communities about what this might mean for places that most of us regard as sacred sites. It is not like other public lands or privately-owned lands, or even church-owned lands. Cemeteries are special places and they are sacred ground.

Where I grew up on Stradbroke Island, there is a cemetery, the Dunwich Cemetery, and it is so much more than a final resting place. It is an historic site because it contains the graves of the typhus victims. When people were sent to Australia or emigrated in the 1800s, there was a typhus outbreak and people were kept in ships off the Queensland coastline at a place called Peel Island. Peel Island was near Stradbroke Island and near the Dunwich Cemetery. As a child I remember walking through the Dunwich Cemetery. It was one of those epiphany moments that we have as a child when you are reminded or you learn how fragile life is. Dunwich Cemetery has whole families laid out. Two-week-old babies, three generations of a family who had emigrated to Australia and did not make it past the quarantine ship.

Similarly, over the winter break, I had the good fortune to go to Greece. In Greece burial sites are extremely important to generations of families. They are woven into each family's story. They are places that the younger generations will visit. They will know where grandmother's grave is on the island of Paxos, for example. That grave becomes central to their understanding of who they

are, where they came from. Their sense of history in Greece is often tied to their family's history. Their family's history is defined in part by where their ancestors' remains are laid.

Across cultures burial grounds are sacred sites -

Ms Archer - In Samoa, they have them in their front yards.

Ms O'CONNOR - Yes, or backyards. By interjection, Attorney-General, how different it is in Greece. In western society, where we grew up, a cemetery is often a reasonably sized parcel of land but in Greece great grandmother can be buried in the backyard under the water tank.

I thank the departmental officers and members of the minister's staff who provided us with a briefing the other day on the changed amendments bill. I recognise there were some substantive changes, in fact numerous new clauses inserted in the legislation to provide us with the legislation we are debating today.

This amendment bill establishes a regulator role for cemeteries who will continue to be the director for local government; it allows the regulator to impose conditions on the alternative use or sale of a cemetery and the protection of war veterans' graves. It is in that context that I acknowledge the foreshadowed amendment put forward by the member for Lyons, Ms Butler, which would provide further protection for those incredibly important resting places.

This amendment bill increases the length of time from the last burial before a cemetery can be closed from the current 30 years to 50 years and requires cemetery managers to obtain approval from the regulator to close the cemetery. It imposes a default time period of a century, but with the power to reduce on a case-by-case basis since the last interment before the cemetery manager can remove monuments, apply to lay the cemetery out as a park or garden, or apply to exhume and reverently reinter human remains.

This amendment bill should provide a measure of reassurance to communities that should a resting place, a cemetery, be sold or change hands or transferred, there is a continuity through the establishment of a body corporate to have responsibility for that resting place, and that is a significant improvement of the legislation in this context of the Anglican Church's sale.

I note what Mr O'Byrne said about the different definitions of 'senior next of kin'. We have here the Regulations for the Burial and Cremations Act. These were put out in 2015 and have a definition of 'senior next of kin' which is longer and somewhat different from the definition in the amendment bill we are debating today. Similarly, there is no definition in the amendment bill of the term 'spouse'. The Attorney-General and I and officers have talked about this and have foreshadowed an amendment that would insert a clause 4 in paragraph (g) that omits (3b) and inserts instead:

> *Spouse* includes the other party to a significant relationship within the meaning of the *Relationships Act 2003*.

In my conversation with the Attorney-General we agreed that she could clarify that in the second reading debate. 'Spouse' in the regulations includes 'the other party to a significant relationship within the meaning of the Relationships Act 2003', but these regulations provide definitions for the purposes of these regulations. It does not say it in the principal act but in these regulations 'spouse' is defined thus. If the Attorney-General could provide some clarity about

whether she believes it is necessary, perhaps to be more specific about that and include a definition of 'spouse', that would be helpful.

I would like to ask the Attorney-General if there has been further consultation with the Anglican Church and Bishop Condie over this final iteration of the amendment bill. Clearly there has been a completely understandable and justifiable amount of pressure put on the bishop and the church over the announcement that they would be selling church properties. I have no doubt the bishop particularly felt very stressed as a result of the public reception to the Anglican Church's announcement and the deep fear within regional communities particularly about what this would mean for their sacred ground. I acknowledge that the Anglican Church has made the right decision in relation to being a party to the National Redress Scheme and accepting its responsibility for the role the church played in the suffering of children, the lifelong trauma, the loss of life of people who did not live the full life they might otherwise have lived had they not been abused as children at the hands of institutions, including the Anglican Church.

We were pleased to have the briefing with departmental officers and the minister's office and feel that if there are issues with these provisions we are debating today they can be dealt with through the review process, which is not yet finalised. This bill has a measure of urgency about it because of the process of national redress and the decision the Anglican Church has made. Beyond that, these amendments strengthen the Burial and Cremation Act and it is on that basis that we will be supporting this legislation.

It is a good amendment bill. There were questions put by Mr O'Byrne on behalf of some stakeholders and it will be interesting to hear the Attorney-General's response to those questions, and I commend the Attorney-General on this legislation and indicate we strongly support it.

Sitting Times

[3.36 p.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Mr Deputy Speaker, I move -

> That for this day's sitting the House shall not stand adjourned at 6 p.m. and that the House continue to sit past 6 p.m.

[3.37 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - We are happy to sit late. We will get through all the legislation on the blue today, but we are doing this because the Government is in disarray. We had a blue put out yesterday that had six bills on before private members' time. It was a fantasy document. It looked very much like an order of business issued by government in disarray because it is struggling with the concept of sharing, consultation and collaboration.

It is our sincere hope that the parliament does not have another week like this one where there is utter chaos coming from the Government. It is because they have been so accustomed to getting their own way on the floor of the House that the events of this week have been almost traumatic for them. We look forward to not having to sit late on a Thursday simply because the Government cannot get its business together.

Motion agreed to.

[3.38 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, I would like to recognise the dedicated work undertaken by the Director of Local Government and the team from the Local Government Division to ensure the first stage of the review will meet the required timing of the announcement by the Anglican Diocese on the sale of the properties on 1 December.

Whilst I appreciate the time, effort and professionalism of the Local Government Division, I do not believe the review was comprehensive enough due to the short time frame. I am aware that the staged approach to the review has resulted in some deficiencies and there are some subsequent administrative issues which my colleague, the member for Franklin, David O'Byrne, previously pointed out.

I mentioned previously the deadline and the Anglican Diocese's decision to raise funds through the wholesale sale of over 100 church burial grounds, properties and allotments, as this decision by the diocese triggered the awareness that the existing Burial and Cremation Act was largely inadequate to cater for such a bold move.

The fact that the sale of these properties raises a large surplus beyond the requirements of the redress scheme should be discussed at a later stage. For now, I will focus on the task at hand and that is to address the proposed amendments brought forward by the Attorney-General on behalf of the Minister for Local Government, who declared a conflict of interest in relation to this matter.

The bulk of properties for sale are located in the area of Lyons, the electorate I have the honour to represent. The matter of the sale of the properties is a major setback for many dedicated Anglicans and a travesty for many communities where graveyards and cemeteries have spiritual and emotional connections to the communities in which they reside. Many people are grieving for these spaces. This is especially true for country and regional areas. They have historic significance for the wider community and that must be recognised, valued and protected.

Many school camps and excursions include a graveyard visit where a range of learning activities be carried out in these graveyards and cemeteries. They need to be treated with the utmost sensitivity, not only because of their connections to these communities. The recognition of these concerns and sensitivities must be inherent in this legislation. The sale of the cemeteries and graveyards is more than the sale of land. Citizens have an expectation that the sanctity of the cemeteries should be preserved. The sensitivities of the deceased's survivors and the community should be the overriding or paramount intent of this bill. There is a strong community expectation that the essence of understanding the heritage value of a lot of these sites must also be reflected in this bill. The intent of stage one of the review of the Burials and Cremations Act is focused on strengthening the sale and closure process of burial grounds and graveyards.

The bill addresses a current gap in the law by giving cemetery trusts a framework that enables them to appropriately manage interments and currently have a limited tenure of interment. We welcome that the proposed amendments to the act. We welcome the increased period from the last burial to the closure of the graveyards in 30 years to 100 years. The presumption of perpetuity on interments in Tasmania brings us in line with most other Australian states and territories. Legal perpetuity, when challenged in court, renders itself 100 years. Absolute perpetuity is absolute. It is forever.

Imposing a default period of 100 years from the last interment with a default of 50 years allowing the regulator to reduce on a case by case basis since the last internment is unsatisfactory.

We appreciate the pressure placed on Government by various interest groups. We also received a significant number of representations. Most of the perpetuity, or the presumption of 100 years, was based on money. It was based on the property values. It was not based on the understanding that families do like to be buried together in a lot of regional areas in Tasmania. It is an intergenerational part of our culture.

I consulted with religious organisations and I have listened to the concerns of the Uniting Church and the Catholic Church, who are understandably concerned with the proposed change to the interment period but having the assumption of 100 years. If the proposed legislation is passed in its current form, the value of the cemetery sites and the adjoining church buildings and lands will be substantially reduced. The main bulk of the opposition to perpetuity was about money. Whilst the Uniting Church say they have no plans to sell or dispose of any of their church buildings or cemeteries in Tasmania, I believe the way in which they have undertaken the sale of assets previously has been quiet, voluntary, usually led by congregations and is more of a community-based approach to the sale of their properties. I believe there are land transactions from time to time. They believe the value of some of their properties will be diminished by the inclusion of a presumed perpetuity. These concerns were addressed when these amendments were placed to provide a capacity to apply to the regulator at 50 years in relation to the interment. That should provide some assurance to those groups.

Church organisations and local government cemetery managers across Australia have survived with a presumption of perpetuity on interments. For example, in South Australia, interment rights may be granted in perpetuity. These legislative changes were introduced in 2013, so they are not draconian laws. They are quite new. The duration of the interment rise is that a relevant authority may issue an interment right for the period specified in the interment right with a fallback clause of perpetuity.

The minister must approve closures of cemeteries. Under these changes to this bill, the regulator is the core decision-maker. In other states, there are other responsibilities that are look after by the minister. That might be something we could look at in the future.

In New South Wales, a perpetual interment right-holder allows the right-holder to bury human remains in a particular grave or other allotment in a cemetery and for those remains to be left undisturbed. The initial interment period is purchased for 25 years with an additional period of 25 years of renewable interment rights being added for a maximum of 99 years. The sky has not fallen in, the costs of interment has not exceeded expectation and we can see another example in which perpetual interment is successful.

The ACT also provides a perpetual tenure of graves. If the operator of a cemetery or crematorium gives someone the right of burial or the right of the interment of ashes in a burial place, it lasts forever. The act then states -

> However, if no human remains … are buried or interred in the burial place within 60 years after the day that the right is given, the operator may revoke the right in accordance with the code of practice.

In Western Australia, the maximum guaranteed tenure on any given body is 50 years, although it may be extended by 25-year periods at the discretion of the managing cemetery authority, so there is also the capacity for 100 years or legal perpetuity.

Victoria has a right provided under purchase. All veterans' remains are preserved in perpetuity. They were quite new additions in their laws in Victoria. It became a large election issue in Victoria within the last decade when the public realised that their veterans were not provided perpetuity in their resting places.

Tasmania also has the space to provide perpetuity. That is another issue that must be considered. We have cemeteries, burial grounds and graveyards in urban areas but we also have the bulk of these cemeteries, burials and graveyards in remote or regional areas. We do have the space to provide families with perpetual interment rights.

I had a conversation with a family last night through a spokesperson. They were quite distressed. They had just lost their 46-year-old daughter and they had cared for her her whole life. She had a severe disability. Three generations are buried their family burial site and when they made inquiries, because they knew her time was coming close, they were told she would not be able to be buried there because that site is earmarked for sale by the Anglican Church at the moment. The family is very distressed about that uncertainty as to where they will bury their daughter. They are not sure where and how they are going to bury their daughter. It is another example of the mess and human cost of these sales and changes to our bill.

It is important that we do not review this act in another 10 years and change the presumption of the perpetuity. It is the essence of the bill that there is presumption that those interments are for 100 years. Perpetuity for war veterans must be maintained. If a veteran is prepared to make the ultimate sacrifice, their life, or at least to put their life on the line for our country, the least we can do is bury them and provide peace and perpetuity to their resting place.

I will provide an amendment to fit under section 3A, Regulator.

Section 4 -

(a) the regulator must develop criteria to assess whether a grave is a grave of significance.

(b) the regulator must establish a register of graves of significance. The regulator may receive submissions from the public to declare that certain graves are graves of significance. If so determined, such graves will be placed on the register of graves of significance.

We have sought advice in relation to the current record keeping of burials. Under the current Burials and Cremations Act the director of local government is required to maintain a register of all cemeteries, burial grounds and burial sites across the state. The register was deficient and was missing nearly a third of sites; however, I believe it has been updated. How we can ensure, through legislation and then regulation, greater control of record keeping and the information pertaining to the details of interment.

At the moment cemetery managers are required to maintain records of the names of the remains in the interments. This requirement is maintained in the bill. We suggest that a process conducted by the regulator to highlight graves of significance will be a prudent measure to ensure the ad hoc practices of the past are rectified. A register of graves of significance maintained by the regulator will provide assurance that any significant graves are documented and a clear definition must be

defined by the regulator to ensure compliance and consistency when assessing public submissions in relation to graves of significance.

The legislation must be bullet-proof so decisions made by the regulator are consistent over the duration. The test for an individual would be that the individual was seen to have a very high significance to the local community or to the state or nation.

It could include prominent Tasmanians, such as the Tasmanian-born premier and first Tasmanian to be knighted, Sir Richard Dry. His portrait hangs in the Long Room and he was extremely significant to Tasmania. His body is buried under the chancel at the Anglican Church in Hagley. Sir Richard Dry stopped convict transportation and introduced compulsory public education to Tasmania. One of the reasons he introduced public education to Tasmania was that he believed our population was ignorant. He thought education was the best way to combat the perceived ignorance of the population. Sir Richard Dry was also a fierce defender of human rights. It was his decision to introduce the name Tasmania instead of Van Diemen's Land. He wanted to time it so that convict transportation had stopped before we changed our name to Tasmania to ensure a fresh start without the tarnish of the name Van Diemen's Land and convicts. People such as Sir Richard Dry would be considered for a grave of significance.

We have an under-funded heritage register and concerns have been raised about how comprehensive the current register is. Does the Government know which churches, graveyards, lots and burial sites in Tasmania are heritage listed? Does the heritage register have sufficient funding to conduct a comprehensive audit of the sites? We must have greater respect for our history and heritage. It is part of our culture as a state and part of who we are. New South Wales has a similar register and its graves are called 'graves of local heritage significance'. We could look to that state as a model if the amendment is accepted.

I could go on for hours about this issue. The state government, local government and religious sector organisations should work more closely together towards more consistent provisions for graveyards and burial sites to ensure ongoing free and open access to all cemeteries for any legitimate purposes, including visitation burials. Last week I raised concerns about the ability of independent managers of cemeteries or owners of cemeteries to obtain public liability insurance. The inclusion of body corporates as purchasers of the cemeteries, graveyards or burial sites is a prudent measure. I am advised that the regulator would provide some form of exemption to individuals who have already purchased an individual cemetery, graveyard, or burial sites. I would like to make sure that is maintained for those individuals. Many people have bought these churches and sites with historical or heritage value and they have renovated them in such a beautiful way and put their own money into these. Some of church organisations would not have been able to afford the upkeep of some of these buildings, so I would like the purchasers to not be penalised.

I am yet to meet a member of the community that opposes the redress scheme. The Anglican Diocese was one of the first to sign up to the scheme. The community seems most opposed to the surplus raised by the sale of the property and the lack of consideration for the impact on communities of the sale. Some properties without heritage value should be sold and that money put into programs that may be more beneficial to the community. It is the surplus and the lack of community consultation that has left a bad taste in people's mouths.

[3.59 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank members for their thoughtful contributions. It is a difficult issue. I can talk outside of my second reading speech,

which is always difficult when you have to stick to script in that second reading. I acknowledge the difficult situation the Anglican Church finds itself in in terms of financially paying for being part of the National Redress Scheme, although not formally signed up yet, and I will take this opportunity to encourage all non-government institutions to do that formal signing soon. We are now accepting applications from Tasmanian applicants but until the non-government institutions actually sign up, it causes a few issues there.

I do understand the Anglican Church issues. As the member for Lyons, Ms Butler, has pointed out and all members have highlighted, there are issues community members have with certain properties on the list. There will of course be properties on the list that do not impact on the community so much because they are not being used in terms of life interments. They may be easily separated from church and cemetery or indeed there may not be a cemetery at all. In that case, this amendment bill or the act does not apply. We need to state at the outset that it does not mean that an ordinary purchaser of a property cannot buy a church but when there is a cemetery attached, it is part of that sale and involves these issues.

What it has highlighted are the deficiencies in the Burial and Cremation Act. This amendment bill addresses these more pressing issues that need addressing in relation to the closure of cemeteries, the rights of the community in this process and burial rights and, importantly, the framework around the appointment of cemetery managers and their duties and obligations.

I acknowledge that in many communities, particularly our rural and regional communities, people have stepped in, whether parishioners or not, to look after cemeteries out of the sheer goodness of their hearts. Probably in most cases they may not even have a personal connection to a particular plot themselves but because that church is part of their community, they will do so.

It has been a difficult process to try to balance community needs and commercial cemetery managers and religious institutions that are cemetery managers as well. There was an acknowledgement in Mr O'Byrne's contribution that we cannot deal with absolutely everything but we have tried to strike a balance. In doing that, we have looked to other jurisdictions, other states and territories, to find out how they have dealt with this so we have a bit more consistency across jurisdictions, but also in how we deal with these things. It is always good to point to other jurisdictions because they have been through the process and how it impacts and works in practical terms.

That is where we find ourselves. I acknowledge there have been some issues. I can confirm that I have met with every stakeholder who has requested a meeting. I have met with some on numerous occasions and the Director of Local Government and other departmental staff have met with them on numerous occasions also, particularly with the Anglican Church. Both the Premier and I have met and we have met on this final bill as well. In the last two weeks I have met with other commercial cemetery managers, as well as the community group that was formed called SOCS, or Save our Community Soul. I attempted to speak to all those impacted upon and the issues have been very different, most of which have been raised in the House today.

That is a nice segue for me to address some of the questions that were raised throughout this debate.

First, shadow minister for local government, I confirm that I am doing this because of the conflict of interest the minister has with respect to one of the proposed church sales. There was a question generally around the expense after closure in the context that it may discourage sales and

the issue of the cost of burials and the possible cost increase. During the public consultation process concerns were raised that several of the proposed changes could increase costs for cemetery managers resulting in the need to increase prices charged for burials.

The Government has consulted with a number of cemetery managers and the final bill has addressed the issues that some suggested may have increased their costs by first clarifying that the requirements for cemetery managers to maintain a cemetery so as to prevent it from falling into disrepair or from being defaced or damaged does not apply to vaults, graves or monuments unless there is an agreement in place for a cemetery manager to maintain a grave. This maintains the status quo and addresses the most significant concerns held by cemetery managers. That was something we could address as part of the consultation process and the cemetery managers we have spoken to have been very happy with that issue being clarified and addressed.

In changing the closure period to 50 years since the last interment and cemetery managers not being able to remove tombstones or exhume bodies for at least 100 years since the last interment we were trying to strike a balance between the concerns cemetery managers had and bringing it up to be consistent with some other jurisdictions in terms of the 50 years. With the 100 years of not being able to exhume bodies and grave removal we are honouring what the community wants in honouring these burial sites. Even after 100 years there can still be conditions about that, particularly in relation to significant gravesites. Nowhere provides perpetuity per se, although there are some jurisdictions that allow for that in certain circumstances, but it was felt that was not striking the balance for all parties concerned in Tasmania.

The other thing we did was remove the five-yearly audit requirement because that would have been highly onerous for cemetery managers, not so much of a commercial nature because my understanding, from my discussions with them, is that they already keep very good records, but as we know as we move out into some of our other cemeteries, the records have not been so good. We almost have two ends of the spectrum of cemeteries in how they have been managed and we are trying to bring them all together under the one system, which they always were, but this is something where we are trying to regulate the system a lot more because of the community's concerns.

We have retained the power for the regulator to request an audit at any time. We think that is a far better balance. This is a shift towards a more risk-based approach focused on addressing non-compliance and providing an incentive for compliance. If you are complying and you have your first audit, say it is a spot check audit, and you are complying, chances are you will not need to audited again for a while. If you have been found not to have complied, the regulator might take a closer interest in your record-keeping until it is on track. That is how that is envisaged to operate in practical terms, and it is a much more sensible approach. The cemetery managers are more comfortable with that amendment than what was originally proposed.

Moving on to the claims made and reported in the media during the public consultation period that the Government is imposing a death tax; we refute that as it is not accurate. The reported scale of potential price increases that could be attributed to this legislation were also significantly overstated. Through the public consultation, it became clear that some cemeteries have historically priced burials on a non-commercial basis, presumably as a community service to the parishioners or the broader community. Many churches are facing sustainability issues due to declining membership. As the bill does not introduce any significant changes to day-to-day cemetery management obligations, any changes to pricing arrangements for burials may be in response to sustainability issues faced by some churches, rather than a view to these amendments.

To meet legal obligations of cemetery managers, the incentive will be to generate revenue to support this task. This should mean any price charged will be constrained by customers' willingness and capacity to pay. If you think about a scenario of an exorbitant fee being charged, I doubt that is going to be a highly attractive proposition. We have a competitive marketplace, to the point that we have competition laws and non-competition laws. That self regulates, in a way, as well. I stress, that situation has not arisen as a result of these amendments.

There were questions of the next of kin issue. I have had a further reflection on the issue since Ms O'Connor and I had a brief chat. I am quite happy for Ms O'Connor to move an amendment we discussed as to the wording to ensure clarity of the definition of spouse according to the act. This is to remove any doubt that the definition applies in the regulations as well as the act. It is far better for us to ensure the act contains it, there is no question, which will also address Mr O'Byrne's question on that issue. I am sure that can be dealt with quite quickly when we are in Committee.

Mr O'Byrne - Senior next of kin and spouse, one and the same?

Ms O'Connor - A senior next of kin is in here, as you pointed out, but it is a shorter definition than in the regulations. I do not think it is deficient.

Mr O'Byrne - You don't think? Okay. It has been raised and there is concern.

Ms ARCHER - Yes, it will be brought into the act. It is not deficient and it is preferable that it be defined in the act because, as Ms O'Connor referred to in the regulations, it does say it is -

Mr O'Byrne - It is a different wording.

Ms ARCHER - Yes.

I was asked if the regulator can consider approval after it is given. The short answer is no. As to how the regulator will ensure compliance, the amendments provide the regulator with the power to ensure compliance with the act by: providing for increased oversight of the sale and closure processes; allowing the regulator to issue infringement notices; allowing the regulator to issue directions to cemetery managers with a penalty to apply if the facility fails to comply with a direction; and increasing penalties for key cemetery management obligations, giving the regulator the power to request an audit of compliance. That is in relation to compliance and enforcement.

Mr O'Byrne - If, through that compliance power, there is a pattern of behaviour or a fatal flaw in the delivery, they can be -

Ms ARCHER - Penalised. There is a penalties section as well.

Mr O'Byrne - Are they also removed?

Ms ARCHER - Can they be removed as cemetery managers?

Mr O'Byrne - I know they can be fined. If they do something to disqualify them from being eligible in the first place, what is the consequence apart from a fine?

Ms ARCHER - There is no power to remove but there are certainly, as I have read out, all of those mechanisms to ensure there is compliance. We also have to remember this amendment bill

makes a cemetery manager or a future manager a body corporate. They will have been required to apply and be suitable in the first place. If it is body corporate, it is going to be more than one person, it is going to be incorporated and there are going to be duties and obligations under the relevant legislation. If there is more than one, the regulator might be of a mind to have a meeting with others in the body corporate and ensure compliance that way. It might be too heavy-handed if you had a mechanism to remove.

The beauty of this being the first stage of a review is that we can look further at these matters being raised. It is not a matter of urgency but can be looked at as part of the next stage of the review. You have validly raised something that should be looked at, as to whether there needs to be a last resort option of removal or, in a body corporate situation, at least looking at the law that governs body corporates. I am thinking off the top of my head whether there is a mechanism there as to the removal for failure to comply.

Mr O'Byrne - There is intent to try to ensure that - and you would hope it would be very rare - that perhaps there might be consideration of a final power between this House and the other House.

Ms ARCHER - Yes, there could be that consideration. We can also look at body corporate governance as well. There may be some sort of power of removal there.

Mr O'Byrne - If it is there is, that brings you to the same end point.

Ms ARCHER - For completeness, how about we resolve to have a look at that. We can brief our Leader of Government Business. If it is more complicated than providing an immediate answer, we can look at it as part of the further review.

The other issue Mr O'Byrne raised was the question of what disrepair means. There is no change to the status quo in terms of disrepair. It is not currently defined in the act per se but it does take its ordinary meaning. Does that answer your question?

Mr O'Byrne - I suppose with the other changes the responsibility is now moving on. One of the big issues that we deal with concurrently through it is about the responsibility of the owner and therefore the increased costs. Have you done any modelling on the proposed costs? Is there any change?

Ms ARCHER - We have to keep the issues separate of whose responsibility it is. In terms of cemetery managers they have responsibility for the actual site management, and the individuals or family members are responsible for the grave or monument unless there is an agreement that the cemetery manager deals with it. In terms of cost, how do you model it? The costs are going to be different for each and every situation, aren't they?

Mr O'Byrne - Is it $20 000 that has been bandied around as an extra cost?

Ms ARCHER - That figure was reported in the media and as I said in the prior part of my contribution, we refute that type of modelling.

Mr O'Byrne - Have you done any costings?

Ms ARCHER - The changes were talked through with all of the cemetery managers. As we know, the Anglican Church had an issue and the Uniting Church also had a concern but all other

cemetery managers did not. Depending which current cemetery manager you talk to, their position is somewhat different in terms of cost modelling.

That brings me back to the cause of what might be their belief is their cost hike, if I could refer to it in loose terms like that. It is not something that is imposed by government and it is not our belief that these amendments have brought about any of that, other than their saying, 'If we've got to do this for 100 years it's going to be for a longer period of time'. We also have to remember that the community wanted a longer period of time, so do you have a shorter period of time or do you have a longer period of time? There are conflicting views as to cost depending on which cemetery manager it is.

There will always be choice for community members. There will also be the situation where if a site is not available, no longer available or the belief is that it is too expensive, they can look elsewhere for a different site. It is the exclusive rights of burial issue, isn't it?

Mr O'Byrne - If I can paraphrase, there are different views depending on different circumstances about costs. I understand that. Did the Government, as a response to these concerns, do any independent modelling? If there are different views, you cannot say we believe some but not others because all views are valid. Did you do any modelling?

Ms ARCHER - Yes. The Economic Reform Unit of the Department of Treasury and Finance assessed legislation in accordance with the Government's legislation impact assessment guidelines and determined that the proposed legislation will not restrict competition in any way and will not have a significant negative impact on business. The matter cemetery managers raised during public consultation in relation to the changes that could increase management costs have been addressed through the changes to the closure period**,** maintenance provisions and audit requirements, as I went through. The act currently required cemetery managers make adequate provision out of any revenue for the purposes of the maintenance management and improvement of the cemetery. There is therefore an existing expectation that cemetery mangers should take into account the cost of managing a cemetery. Some of them may not be doing that adequately. I am trying to be as delicate as possible.

Outside of the sale and closure processes, the changes outlined in the bill do not change day-to-day cemetery management obligation with maintenance access, record keeping and honouring exclusive rights of burial -

Mr O'Byrne - So basically it's cost-neutral?

Ms ARCHER - Treasury's view was they did not believe there would be significant negative impact. For cemeteries that are managed well under the existing legislation there will be little change, unless the cemetery manager wishes to sell or close the cemetery.

While we acknowledge the new sale and closure processes may require additional effort on the part of cemetery managers, it is out of necessity to bring us in line with other states, and introducing new safeguards in relation to these activities is strongly supported by the community and is necessary to ensure the appropriate preservation and protection of cemeteries. It is a balancing act of needing to go as far as possible without having too much of a negative impact, but we have to balance these obligations and as we know, the community's expectations and cemetery managers obligations do not always mix. We have arrived at what we think is the best balance of both these in terms of having that looked at.

As to the LUPAA question, the existing definition of 'cemetery' deals with cemeteries established before the commencement of LUPAA 1993. For cemeteries established post-1993, the land is approved under LUPAA for use as a cemetery. Changes to the definition allow for cemeteries to be prescribed and references to LUPAA are still relevant and have not changed. The application process for the establishment of new cemeteries relates to approval of the cemetery rather than land use.

Mr O'Byrne - This bill just requires a step to establish the new cemetery -

Ms ARCHER - Yes. The land use provisions will still apply the same.

Mr O'Byrne - Is there a double approval on both acts required?

Ms ARCHER - There is no land use change so you will not need to go through LUPAA again.

Mr O'Byrne - But if it is a new cemetery you might.

Ms ARCHER - For new cemeteries it would.

Mr O'Byrne - It would - double approval under the two acts?

Ms ARCHER - Yes. You would have to get your cemetery approval under this act and for land use purposes you would go through LUPAA.

Mr O'Byrne - Which one goes first? Do you get LUPAA approval and then under the act?

Ms ARCHER - I was going to answer without seeking advice but I have sought advice and it is LUPAA first. You have your appropriate zoning and then you would apply as a cemetery. However, if we are wrong we will correct the record because we are doing this on the floor of the parliament. I had better say that just in case, not that I would doubt the brilliant minds that are here today.

The next question that was asked, what power to act on non-compliance? I can refer to my previous answer in relation to compliance and enforcement rather than repeat those matters, that was when I was just referring to compliance and enforcement in relation to answering your question, Mr O'Byrne, on whether or not the regulator could reconsider approval.

I do not think I need to run through that again unless you would like me to. Obviously, we are dealing with the increased oversight issue, issuing of infringement notices, penalties and so on. I have dealt with that adequately already.

Mr O'Byrne - The land ceasing to be a cemetery?

Ms ARCHER - Yes, that is the last one I have on the list for you. The bill has been updated to include a clause that allows the regulator to declare by notice in the *Gazette* that land that contains human remains is no longer a cemetery. A declaration may only be made if the land was being used for another purpose for at least 50 years before the commencement of the Amendment Act or if it is in the public interest and the land is not currently being used as a cemetery. The regulator will have the power to place conditions on a declaration, such as requiring human remains be removed before certain development activity occurs.

This provision has been incorporated in response to questions raised in the public consultation process. No doubt that is where it has come from.

Regarding whether certain properties that contain human remains no longer contains head stones and are now being used for another purpose. I can give you an example. Albuera Street Primary School would be considered a cemetery under the act. I think that is the situation you are referring to.

Mr O'Byrne - Yes.

Ms ARCHER - I thought I also might, while I have it here in my notes as the next issue, the Sir Richard Dry issue. I will clarify that on the record so we have it on *Hansard*.

We know of two places around the state, and there could be more, where a body is buried inside a church. Can the church be a cemetery in those circumstances? The amendments provide clarity on this issue by including the power to prescribe land to be a cemetery in the definition of cemetery. The regulations will make clear that churches, where there is a body inside, including the burial site of Sir Richard Dry, inside St Mary's Anglican Church at Hagley, are considered cemeteries. In that situation they will be covered by this. Had we not done that and declared them to be cemeteries for the purpose of this act, there would have been no protection of being able to preserve and place conditions and all of the other rights and obligations that we are adding in for cemetery managers in relation to the closure of a cemetery or purpose change and so. That will be a situation rectified by this.

I have addressed the issue that Ms O'Connor raised in relation to next of kin and we will deal with that in committee.

Ms O'Connor also asked if there had been further consultation with the Anglican Church in relation to this final bill? There has been. There is still a concern on their part regarding costs but I have just addressed that at great length. There were earlier reports that we had not consulted with them. I strongly refute that. At a departmental officer level, the Director of Local Government had met with the church and as I have confirmed, both the Premier and me. I have had a couple of meetings and there has been consultation.

The public consultation is another opportunity for consultation in writing. Subsequent to that period I have had meetings with cemetery managers, both commercial and church. We have tried to extensively consult. This has been a faster track process. Ms Butler referred to that, but it has been necessary because it has been bought on by the issue to which we have all referred to in our contributions this afternoon.

We thought the whole review could take a very long time if we tried to deal with every single issue that needed to be reviewed. We do not want to only do a partial review of an act. We have not looked at the issue of cremations, public health and then other less urgent or tidying up things.

Anything that has not been captured already by this amendment bill, we will look at in a further review. I say on the record in this House, we are willing to look at further issues that are raised.

I have had subsequent meetings, as has the director of Local Government, with people who have already raised issues. As I said in my second reading contribution regarding past sales, although there is no retrospectivity, there is concern about the impact on future sales and where that

leaves people who may have purchased properties with the intention to sell. We have undertaken to look at that in the review.

Mr O'Byrne - With the proposed amendment that has been flagged, are you indicating -

Ms ARCHER - I can indicate that we are not in a position to support that amendment now but I will make a contribution and explain the reason behind that. I can see the good intention behind that but there are issues with it which I can highlight when we deal with it.

Regarding the second part of the review, the issue I was referring to with the small number of cemeteries that have already been sold to private individuals under the current legislation, as the second part of this review is underway already, these issues will be addressed as a priority through that process.

I have the member for Lyons certainly on my side of the House -

Mr Barnett - Hear, hear. Very important.

Ms ARCHER - Ms Butler is a member for Lyons and it is a particular issue with some constituents that have come forward in your electorate. The Government acknowledges that it is an issue and that it will be addressed as a matter of priority during that process so that we can assure those people that their matter is being looked at as part of the ongoing review.

I have dealt with those issues raised throughout the second reading speech contributions and will deal with those few amendments as part of the committee process.

Bill read the second time.

BURIAL AND CREMATION AMENDMENT BILL 2018 (No. 56)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -
Section 3 amended (Interpretation)

Ms O'CONNOR - Mr Deputy Chairman, I will make this brief. This is an amendment that is put forward with the agreement of the Attorney-General. I move -

> That clause 4, page 9, proposed paragraph (h). Insert the following definition:
>
> ***spouse*** includes the other party to a significant relationship, within the meaning of the *Relationships Act 2003*.

The matters that pertain to this amendment have already been discussed in the second reading debate and the minister's response.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 -
Sections 3A and 3B inserted

Ms BUTLER - I move -

That clause 5 be amended in proposed new section 3A to add the following new subsection (4) -

(a) the regulator must develop criteria to assess whether a grave is a grave of significance.

(b) the regulator must establish a register of graves of significance. The regulator may receive submissions from the public to declare that certain graves are graves of significance. If so determined, such graves will be placed on the register of graves of significance.

I sought advice which I covered previously in relation to the current Burials and Cremations Act and the requirements under that act to maintain a register of all cemeteries, burial grounds and burial sites across the state, and it was found that there was quite a deficiency in the information kept across the state and also by the Director of Local Government, and it was raised before by the Attorney-General when we were discussing the very professional record-keeping of some of the cemetery homes - is that the proper term for them, or the professional groups?

Ms Archer - Millingtons and people like that.

Ms BUTLER - Yes, as opposed to some of the smaller regional cemetery managers who do not provide such up-to-date details. There was also an example of some independent people who contacted us who purchased a cemetery and there were no records for them to take because they had been burnt, apparently, so in situations like that there seems to be deficiencies and a non-compliance about the records of interments.

Our understanding is that there is a register of significant graves in New South Wales and we would hope that if the regulator was able to conduct this process it would be their job to highlight the graves of significance and there would be a prudent measure to ensure practices of the past are rectified. The legislation must be bulletproof to a certain extent, and a clear definition must be defined by the regulator to ensure compliance and consistency. We would like the provision to include the graves of significant citizens or citizens who have lost their lives to also be included under extraordinary circumstances. Also the test for an individual would be that they were seen to have a very high significance to a local community, the state or indeed the nation. This could include prominent Tasmanians such as Sir Richard Dry; the first Speaker of the Papua New Guinea Parliament, Sir Barry Holloway, who is buried in the graveyard at Kimberley Anglican Church; and Tom Roberts of Heidelberg School fame, whose ashes are scattered in Longford, Tasmania, at Illawarra. Some of his early depictions of colonial Australia, paintings such as *The Shearing of the Lambs*, most of us would recognise. Those people should be on some form of register as people with graves of significance.

These graves would hopefully attract similar protection to those of returned service people and hopefully through regulation would be protected, respected and honoured as significant. This is worth considering. It would need to be defined by what is significant and that would need to be maintained by an objective person, a regulator of sorts. I would appreciate your consideration of this amendment.

Ms ARCHER - As I indicated during my contribution, we have some initial concerns about them so we will not be supporting the amendment today. It requires a bit of careful consideration because not least of all you have just highlighted one of the things. In some circumstances, because it can be very subjective, what might constitute someone of significance. When it comes to cultural significance, I can envisage for obvious reasons being something of an Aboriginal significance and we would definitely refer to the Aboriginal community in that situation, but there might be other situations that arise in terms of cultural or historical significance.

That at the outset is an issue, but I will run through what the amendment bill already does deal with in terms of who keeps what records. At the outset the audit process will rectify the practices of the past. I know you just referred to that in speaking to your amendment, Ms Butler. We acknowledge that the practices of the past have not been good in terms of record-keeping and sometimes people are well intentioned. The scenario I have referred to this afternoon is that often communities had to step in because nobody else had been doing it, so this amendment bill is to rectify that so that community members are not left in that situation, or if they are willing to continue they form a body corporate, take their responsibilities on under the act and they know where they stand and what they have to do accordingly.

The amendment bill includes a process to identify significant graves at the point of sale or closure of a cemetery. A cemetery manager is to publish a notice of intention before applying to sell or close a cemetery. Members of the public and family and other interested persons can register their concern with the regulator that there is a grave of cultural and historical significance and it can be looked at. The public notice must contain a statement that any person who has any information in respect of the record of the cemetery may provide a submission to the cemetery manager. That is what I was referring to, perhaps less eloquently. The regulator will also receive this information and it would inform the decision-making process around the sale and closure of the cemetery. This is the scenario we were dealing with under the amendment bill.

An application for sale or closure is also to include a copy of the cemetery records. The regulations will be amended to clarify that cemetery managers must indicate on the interment register for cemetery if the person buried is a war veteran. The audit process will ensure cemetery managers are meeting their record-keeping obligations.

War veteran is identified there, and is the reason why we cannot support this today. Whether the regulations should include identification of war veterans' graves and also require cemetery managers to indicate other persons of significance could be looked at as part of the ongoing review. Significance needs to be determined because there will be some members of the community who think someone has cultural and historical significance and others who may not. It may be that other bodies need to be referred, whether it is the defence forces -

Ms O'Connor - Heritage Tasmania, historical societies.

Ms ARCHER - Yes, Heritage Tasmania. I also noted the Tasmanian Aboriginal community. It is one of those things. This amendment bill deals with the process around the sale very well. The

regulator may place a condition on the closure of a cemetery to ensure the ongoing protection of those graves if a cemetery contains graves of war veterans or other persons of cultural or historical significance.

I refer to the audit process. The audit process is the process for monitoring the record-keeping the cemetery manager has an obligation to maintain. Your amendment deals with a central register. Our concern is that it would be difficult to maintain a central register of significant graves as this would create significant additional work and cost for the regulator. We would need to look at it and model it if we were ever going to look at doing something of this nature, which the amendment would require us to. The current process through the act and regulations holds cemetery managers responsible for keeping individual grave records. Under the amendment, the regulator will be able to take into account the importance of graves to the community as part of the decision-making process when a cemetery is closed or there is a change in ownership.

It is one of those situations that is adequately dealt with. It can be looked at as part of the ongoing review if there is something to cause us to change our minds. It would duplicate, in my view, what we are requiring cemetery mangers to do and the audit process will reveal that. I am confident the audit process and where we have landed has struck the right balance.

Ms O'CONNOR - I will speak to that briefly. Ms Butler, we believe this amendment is very sound in its intent and there is a strong argument for there being a database and historical record of graves of significance. I listened to the Attorney-General address some of the issues that pertain to this clause, but I hope during the review process this is something that can be taken up. You have hit on something that is really important in terms of us having that body of knowledge of who is resting where on Tasmanian soil. I note out of interest that the principal act does not have a definition of 'grave', of all things. I do not know if there will be a division on this amendment. I take on board what the Attorney-General has said and would like to see it dealt with in the review in some way or another.

Amendment negatived.

Clause 5 agreed to.

Clause 6 agreed to and bill taken through the remainder of the Committee stage.

Bill read the third time.

LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)

Second Reading

[4.59 p.m.]

Mr JAENSCH (Braddon - Minister for Planning - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill makes a number of amendments to the Land Use Planning and Approvals Act 1993 to establish a mechanism to make and amend a suite of Tasmanian planning policies which will

provide strategic direction on matters of state interest within Tasmania's Resource Management and Planning System, also known as the RMPS.

The bill also makes a number of administrative changes to the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Commission Act 1997 to streamline the Local Provisions Schedules assessment process, improve the functionality of these two acts, and further align the two acts with the Government's current planning reform agenda.

Local planning authorities are currently preparing their Local Provisions Schedules, which will determine how and where the State Planning Provisions - which were 'made' on 22 February 2017 - apply in each municipal area. They will contain the zone maps and overlay maps for each municipal area, along with a description of places where the statewide codes apply. The administrative amendments included in this bill will speed up the delivery of the Tasmanian Planning Scheme at the local level.

The provisions of the bill that relate to the making of the Tasmanian planning policies were released on 10 April 2017 for a five-week period of targeted stakeholder consultation, and then publicly released on 24 April 2017 for a three-week period of general community consultation.

The provisions of the bill that relate to the administrative changes to the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Commission Act 1997 were released on 7 September 2018 for a three-week period of targeted stakeholder consultation.

The development of new Tasmanian planning polices will provide the overarching direction to Tasmania's land use planning system to support Tasmania's sustainable economic growth, protect the values that make Tasmania unique, and plan for the future needs of the Tasmanian community. This will be the first time that Tasmania's planning system has the high-level, integrated vision and direction it needs.

Along with the Tasmanian Planning Scheme, Tasmanian planning policies are another first for this Government and Tasmania. They will fill a long-awaited and critical gap in Tasmania's Resource Management and Planning System.

The new policies will cover a range of planning matters including, but not limited to, economic development, key resources, settlement and liveable communities, transport and infrastructure, cultural heritage, natural assets, hazards and risks. They will draw on existing policies and strategic plans, expert advice and statewide consultation, and will be assessed by the independent Tasmanian Planning Commission with a public exhibition and submissions process before being finalised by the Government.

The bill requires the Tasmanian planning policies to further the RMPS and planning process objectives set out in the Land Use Planning and Approvals Act through the promotion of sustainable development, sound strategic planning and social and economic wellbeing, and the protection of Tasmania's natural environment and heritage values.

The new policies will not contain rules or criteria that apply 'directly' to the determination of individual permit applications or related matters that are routinely considered and determined by planning authorities and other bodies under the Tasmanian Planning Scheme. Rather, they will inform and guide Tasmania's land use planning system in an overarching context and be given effect

through either the Regional Land Use Strategies, the State Planning Provisions, or the Local Provisions Schedules that are currently being prepared by local planning authorities.

Each Tasmanian planning policy will specify the manner in which it will apply to the planning system. The policies will take an integrated approach to planning for well-designed settlements and liveable communities that encourage economic growth, and social wellbeing, and ensures they are supported by the effective provision of infrastructure.

An integrated approach gets the balance right by ensuring the state grows sustainably whilst at the same time protecting our natural environment and heritage values, and ensuring that environmental risks and natural hazards are appropriately managed and considered in land use planning and development assessments.

It should be noted that during the consultation process conducted last year on the draft Tasmanian planning policies legislation, a number of 'demonstration policies' were released along with the draft legislation. The issues covered in the demonstration policies dealt with a number of key matters and fundamental planning principles derived from the Part 1 and Part 2 objectives set out in Schedule 1 of the Land Use Planning and Approvals Act. The strategic issues broadly covered in the demonstration policies have been missing from our land use planning system for a long time.

Importantly, when developed, the new Tasmanian planning policies will be consistent with the Part 2 objective that seeks to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land. The creation of the policies in accordance with this objective will support the other objectives set out in Schedule 1 of LUPAA.

These demonstration policies were included in the consultation package to broadly show the types of policies that might be developed in the future and what form these policies could take. While these demonstration policies provide a starting point for developing the new Tasmanian planning policies, there is no intention of introducing the demonstration policies as currently drafted into the statutory assessment process established under this bill.

In developing the new draft Tasmanian planning policies, I intend to draw on existing policies and strategic plans as well as the wealth of knowledge and expertise that resides within government, specialist organisations, community groups and the broader community. While it is not explicitly detailed in the bill, I intend to consult widely on draft Tasmanian planning policies before they enter the Tasmanian Planning Commission's formal statutory consultation and reporting processes covered within the bill.

I will also consult with the Tasmanian Planning Commission, planning authorities, and relevant state agencies and authorities when developing the draft Tasmanian planning policies. I intend to commence preparation of the draft Tasmanian planning policies shortly after the mechanism included in this bill is established.

The bill amends the Land Use Planning and Approvals Act 1993 by:

- establishing a mechanism to create the Tasmanian planning policies; and

- ensuring that the Tasmanian planning policies further the Part 1 and Part 2 objectives set out in Schedule 1 of the Land Use Planning and Approvals Act and are consistent with the three existing state policies.

There are currently three state policies operating in Tasmania:

- the State Policy on the Protection of Agricultural Land 2009 (referred to as the PAL Policy);
- the State Coastal Policy 1996; and
- the State Policy on Water Quality Management 1997.

The Tasmanian planning policies will sit beneath these state policies in the hierarchy of statutory instruments relating to the Resource Management and Planning System.

There are also three regional land use strategies in Tasmania:

- the Cradle Coast Regional Land Use Planning Framework in the north-west of Tasmania;
- the Northern Tasmania Regional Land Use Strategy; and
- the Southern Tasmania Regional Land Use Strategy.

The bill requires that the three regional land use strategies will align with the Tasmanian planning policies and that planning controls - both in the State Planning Provisions and the Local Provisions Schedules, which together form the Tasmanian Planning Scheme - are also consistent with the Tasmanian planning policies.

The bill also introduces a new Part 2A to the Land Use Planning and Approvals Act, which makes provision for:

- the content, preparation and public exhibition of draft Tasmanian planning policies;

- the transparent assessment of draft policies by the Tasmanian Planning Commission - which includes public exhibition of the draft policies, the consideration of representations, and the framework for the commission's report on the acceptability of the draft policies;

- the 'making' and amending of the policies; and

- arrangements for their regular review.

These processes make provision for the Planning minister to prepare draft Tasmanian planning policies and then to request that the Tasmanian Planning Commission exhibit the draft policies for 60 days. Anyone can make a representation to the commission on the draft policies or any subsequent amendments to the policies either in writing, in an email, orally or in any other form. After considering all representations, the commission will provide a report to the Minister for Planning.

While not explicitly included in this bill, the Tasmanian Planning Commission may hold hearings in relation to representations on the draft Tasmanian planning policies, or in relation to any subsequent amendments to the policies, as part of its reporting processes in accordance with its powers under the Tasmanian Planning Commission Act.

As I have outlined, after considering all the representations, the Tasmanian Planning Commission must provide a report to the Minister for Planning in relation to the draft policies. This report must:

- address the issues raised in the written representations;

- assess the draft policies against the TPP criteria that are set out in the bill, which includes needing to further the RMPS objectives set out in Schedule 1 and being consistent with the state policies; and

- consider whether there are any matters of a technical nature in relation to the application of the policies to the Tasmanian Planning Scheme or each regional land use strategy

Analogous to the existing process for making the State Planning Provisions, the minister must publish reasons for any modifications to the TPPs from the advertised drafts. Additionally, although not required by the bill, the Tasmanian Planning Commission's report would typically be published regardless of whether or not the draft TPP had been modified from the draft that was advertised.

Importantly, if the minister does not direct the Tasmanian Planning Commission to undertake public exhibition of the draft of the Tasmanian planning policies, the process of making the policies effectively stops. There is no power for me as the minister to make the policies without directing the commission to undertake public exhibition and report on their assessment of the TPPs.

The bill also makes legislative changes to the Land Use Planning and Approvals Act and the Tasmanian Planning Commission Act, which are generally administrative in nature. The legislative changes to the Land Use Planning and Approvals Act will ensure that I as minister will not declare a regional land use strategy unless it:

- furthers the Part 1 and Part 2 objectives set out in Schedule 1 of the Land Use Planning and Approvals Act;

- is consistent with each state policy; and

- is consistent with the Tasmanian planning policies.

As minister, I will also be required to review all regional land use strategies as soon as practicable after making the Tasmanian planning policies, or any subsequent amendments to the policies, to determine whether the strategies are consistent with the policies, or an amendment to the policies.

The legislative changes to the Land Use Planning and Approvals Act will also accelerate the assessment of the Local Provisions Schedules that are being prepared by local planning authorities. The legislative changes will:

- streamline the Local Provisions Schedule assessment process by providing mechanisms that will allow planning authorities and the Tasmanian Planning Commission to determine more quickly if a draft Local Provisions Schedule meets the LPS criteria;

- provide the Tasmanian Planning Commission with the ability to issue an LPS criteria outstanding issues notice to expedite the public exhibition of a draft Local Provisions Schedule, as long as the matters are addressed later;

- remove an unnecessary administrative step in the draft Local Provisions Schedule assessment process that will allow the Tasmanian Planning Commission to place a draft Local Provisions Schedule on public exhibition more efficiently;

- provide for the efficient alignment of the State Planning Provisions with a final planning directive that has been approved after the State Planning Provisions were 'made' on 22 February 2017; and

- ensure that relevant state agencies and authorities are notified directly about proposed amendments to planning schemes before a draft amendment of a Local Provisions Schedule or a draft amendment of an existing planning scheme is publicly exhibited.

The legislative changes to the Tasmanian Planning Commission Act will also allow the Tasmanian Planning Commission to correct a decision made by the commission that contains a minor clerical mistake or error arising from an accidental slip or omission in a final decision. This means that:

- any correction of a minor nature will be limited to only correcting the expression of a commission decision and not the substance of that decision prior to it coming into effect; and

- where a decision has taken effect and has altered the rights or obligations of a person, the commission will not be able to make a minor correction of its final decision, if the effect of the correction of the decision would alter the rights or obligations of the person or another person.

Mr Deputy Speaker, this bill establishes the framework and processes for making a suite of strategic Tasmanian planning policies and for effectively embedding these policies within Tasmania's land use planning system.

The bill ensures that the Tasmanian planning policies will integrate effectively with other structural elements of Tasmania's land use planning system such as the regional land use strategies, the State Planning Provisions and the Local Provisions Schedules.

This legislation and the subsequent establishment of the Tasmanian planning policies will deliver on the Government's commitment to develop a suite of policies that provide much-needed strategic vision and direction to inform land use planning and development.

The legislative changes to the both the Land Use Planning and Approvals Act and the Tasmanian Planning Commission Act also deliver on the Government's commitment to introduce the Tasmanian Planning Scheme by:

- streamlining the assessment process for the Local Provisions Schedules; and
- improving the functionality of these two acts and the land use planning system in Tasmania.

I commend this bill to the House.

[5.15 p.m.]

Mr O'BYRNE (Franklin) - Mr Deputy Speaker, I acknowledge the work between the minister's office and representatives of the department in looking at a series of amendments we believe will strengthen the intent and ability for checks and balances within the system.

At the Estimates table there was to-ing and fro-ing on the need for the state to embark on policy. It is great that you have listened to us, minister, and followed up with an act that will respond to the Opposition again. It is great that the minister is conforming - and I am being facetious. It has been a long week, mate.

In consulting with a range of stakeholders since becoming shadow planning minister, it is clear that there is a need for this work to be done. There may be differences of opinion about where they should sit and where the relative power, in terms of the process, should reside, but there is universal support for a greater level of policy that informs land use planning development and planning laws across the state. It is acknowledged by all in this House, local government, and people involved in planning. This is an important step.

The series of amendments we will be seeking to move in Committee will relate to transparency around consultation between the minister and the TPC, the effect of decisions on liveability, health and wellbeing of the community, a formal consultation on the TPPs between the minister's office and the commission and planning authorities in state agencies and more opportunity for public consultation. The minister has flagged most if not all of these in his second reading speech. There is also an amendment from Dr Woodruff that elevates the opportunity for people to have their say and provide transparency in the process.

In 2014, your party took to the election a commitment to state policies. There are currently three state policies. Is it still the Government's intention to pursue state policies beyond the existing scope, which cut across a whole range of regions, government departments, stakeholder issues and industries? These planning policies will go some way to resolving these things. We have an amendment that ensures there is broad consultation on this. We would like to hear the minister's view of the future, not only on the existing three state policies, but his intention to pursue more state policies in the interests of supporting the work that is required for local planning authorities to inform their local planning schedules and LUPAA.

We have been consulting extensively on this bill. There was concern about the transfer of power from the planning authorities and the commission to the minister. Some of those concerns remain, but our amendments and the amendment that will be pursued by Dr Woodruff will go some way to alleviating those concerns. I take the minister on face value that he is keen to genuinely consult on these Tasmanian planning policies and they will be of such nature that they are actually of use.

There was a level of scepticism on the depth and quality of the example policies he sent around and he acknowledged that in the second reading speech. Hopefully, once we get to the meat we will get the level of complexity and depth in those policies that will be of use and that will assist planning authorities make decisions.

Planning is one of the most important ways of dealing with two challenges facing this state - economic development and the protection of amenity and the quality of life of people that live in our state. The quality of the environment and the liveability of Tasmania in the broadest definition. We have not had planning right. The State Government has been crowing that the state-wide

planning reform has been completed. We saw press release after press release from the predecessor saying it is done and dusted. One hundred things in Government. We saw all the glossy magazines yet here we are still pursuing it.

There is a lot of work to do. Your predecessor, while claiming a lot of victories, did very little to resolve what is a massive challenge between the needs of local communities and industries and the opportunities that can be presented by a proper, robust and transparent planning process that is not only in line with other legislative requirements but in line with the expectations of the community.

The policy is crucial. After five years, more work should have been done. Policy informing planning is crucial. We are concerned and we raised at Estimates the resources you are committing to this process. Local government entities are struggling with the requirement to finalise their schedules. Can the minister update us on how many council areas have submitted those and at what stage they are at? There is a range of priorities that councils have to meet. It is easy for a state government to say councils will do these things without providing the resources and the support for them to complete the work. That makes things difficult for a cohesive and collaborative approach.

We made the point at Estimates that it is going to be pretty tough for councils to get these schedules done. Once they get the schedules done they will get a range of TPPs and potentially have a look back at the schedules -

Mr Jaensch - It is an incentive.

Mr O'BYRNE - By interjection the minister says it is an incentive. Maybe it is not a carrot and a stick; it is just a cart and horse. We think this work should have been done prior to -

Mr Jaensch - When you were in government.

Mr O'BYRNE - No. We had the three regions and you chose to dumb those down into a single 'every child wins a prize' lowest common denominator state-wide policy which does not achieve much at all. You chose to do that and you championed the statewide planning scheme but if you had at the same time committed significant resources to do the policy work during that process we may be having a different conversation, but you chose not to. Whilst it is broadly accepted across the state that this is an important thing to do so let us get on with it, the protections we believe need to be in place by way of our amendments strengthens the legislation and gives people confidence that these documents will not only be of use but will be appropriate and balance the needs of the community. The competing needs of the community and those seeking to undertake sometimes the smallest of developments make it a real challenge.

I will wait till we go into Committee before we move the amendments. I put on the record that I appreciate the minister's willingness to accept those amendments. They were given in the spirit of cooperation and taken as such, so we genuinely appreciate it. It was very helpful in a very short period of time dealing with members of your staff and department representatives, so I genuinely place on the record my thanks to them. This is complex, sometimes forehead-scratching work about where it all fits and the unintended consequences are significant if you get the order wrong or if you get a clause wrong or you put a comma in the wrong place. I genuinely appreciate it. It has been very good, a very quick turnaround time and it shows a genuine commitment from the department and at face value, minister, your office to really get some runs on the board here.

[5.27 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I am pleased to provide the Greens' support for this Land Use Planning Approvals Amendment Bill. I am pleased to do that particularly because of the willingness of the minister to have the conversations about concerns raised by stakeholders. There are stakeholders in Tasmania who have spent their career focusing on planning, people who are planners, but also people in legal centres, lawyers, members of the community, and strong advocates for people who are coming to understand the value of standing up and speaking out about things you care about in your communities.

The process of the Tasmanian Planning Scheme implementation that went through this parliament in 2015, the act, caused a lot of anxiety in the community because there were things that were missed in that and a process that was unduly hasty - by the previous minister, I hasten to add. That was unfortunate. One of the things people spoke very strongly about was the grave mistake to rush ahead with creating a Tasmanian planning scheme without overarching policies to guide the development of that scheme.

Here we are today and I am very pleased that the minister has been willing to listen to some of those stakeholders who came together in 2015 and have remained a strong force for good in the community by putting their time into thinking deeply about the issues for planning, how we live, where we put our money and how we manage our resources in this state for the good of us all in Tasmania and to preserve the environment that sustains us.

What we have before us are the Tasmanian planning policies that will sit over the top of the Tasmanian Planning Scheme. I would like to talk about the statewide planning scheme. The process was rushed and widely decried by pretty much every planner from local councils that I listened to in the public hearings process before the Planning Commission. It was also decried for being loose in its language in the wrong places and overly narrow in its language in other places. In planning you would have to accept that you will not please all the people all the time, there is no doubt about that, but the overall view from the community and local government was that the process was rushed and in the scrambling of the eggs it missed some very important code overlays, particularly around cultural and Aboriginal heritage protection, a sufficiently rigorous biodiversity code, and it missed Tasmanian planning policies to guide it.

One of the things it definitely did not do well enough was to protect heritage. There were hundreds of properties removed from the Tasmanian Heritage Register by the Liberal Government and dramatic changes were made to the planning laws under the Tasmanian Planning Scheme that removed a number of protections for streetscapes and heritage buildings that had been in place before that. There is strong concern about the changing fabric of Tasmania in terms of the towns and cities, particularly in relation to building heights, massing density and the ability of people to have a say over developments that are within their neighbourhood. The Greens believe that the Planning Commission needs to be able to review the heritage code within the state planning provisions. That is ongoing work that must be done.

We also believe that the current natural assets code has exemptions, gaps, loopholes and vague terms that will continue to encourage landscape fragmentation and degradation and fundamentally threaten the ability for plants and animals to be able to survive given their shrinking habitat, the break in connectivity between landscapes across Tasmania, which happens simply by a death of a thousand cuts, in this case the death of a thousand chainsaws, which is where developments break up landscape and reduce the opportunity for plants and animals to adapt given the changing climate we are all facing. We believe the Planning Commission ought to be instructed to review the natural

assets code as a matter or priority and be provided with the resources for biodiversity mapping so there is up-to-date information to provide the appropriate zoning and inform the decisions that are made under the natural assets code.

Something that has also become apparent in the statewide planning scheme as it has rolled out is that there needs to be much stronger opportunities for the Tasmanian community to have their say and level the playing field between developers and individuals or community groups in terms of reducing financial barriers for people to appeal planning decisions and prevent communities from being required to pay exorbitant costs when they want to appeal a planning decision.

We saw the successful appeal the Cremorne community took to the Resource Management Planning and Appeal Tribunal. I did not hear the final estimate but I believe it cost them in or the order of $30 000. That money was raised by the community and it was raised mostly with the tea towel drive - unbelievable, but true. It was raised with events they ran in their small community and was successfully prosecuted through the Resource Management Planning and Appeal Tribunal. It was successfully prosecuted but that is an undue burden for a community to have to bear; $30 000 for around 200 households in Cremorne and they shared that cost. They shared that cost because they care so much about their community.

We remain concerned about that there is a one-size-fits-all fee designed for the Resource Management Planning and Appeal Tribunal. Instead, there should be a tiered approach depending on who you are, your resources and ability to pay and you would be required to pay different fees.

At the top we have the Tasmanian Planning Scheme. There are many things that need to be amended within the Tasmanian Planning Scheme. There is much work for the Tasmanian Planning Commission. It would be great if this minister took it on, in the context of looking at introducing Tasmanian planning policies, to fix the elements of the Tasmanian Planning Scheme identified by the Tasmanian Planning Commission. The Tasmanian Planning Commission did a fantastic review and they made a series of recommendations. The previous minister for planning ignored many important recommendations. He completely ignored their advice.

After the exhibition period and the public hearings that went on for months and months with councils from all around the state a very common, comprehensive body of evidence was formed that showed substantial parts of the Tasmanian Planning Scheme needed more time to be properly reviewed. The Planning Commission made a number of recommendations that the previous minister did not adopt. That is outstanding work for this minister to revisit, to look at the Planning Commission's recommendations in that report on the Tasmanian Planning Scheme and consider picking them up again. It is not too late. It would be a great thing for this state to do so because, in the context of Tasmanian planning policies, the Tasmanian Planning Scheme is where the rubber hits the road in planning.

Over the top of that we have Tasmanian planning policies and I return to those the minister has outlined in a moment. I want to look to the higher level of state policies. As the minister said, we have only three. We only ever created three: the protection of agricultural land, water quality, and the coastal policy. As Mr O'Byrne, the member for Franklin, said, we need a firm commitment from the Government to create more. While we accept there is a place for Tasmanian planning policies, which is within the narrow framework of the planning system, we have a desperate need for state planning across some hugely critical areas for our future. The job of state policies is to link agencies together in a united way, so they are not looking at the central issues of our century in a silo fashion.

The Tasmanian Greens believe we need a minimum of six new state policies around big issues that determine the state's security and the quality of every person's life. They are: climate change, settlement transport and infrastructure, biodiversity management, public consultation, health and wellbeing, and cultural preservation.

Climate change must come first. We now know that we, as a global community, have only 12 years to deal with the increasing warming of the atmosphere. We have only 12 years to put in place mitigation measures to reduce emissions to make sure we do not exceed 1.5 degrees of global warming. We have gone over 1 degree. We, as a world, are on track with our current emissions to warm more than 3 degrees. We are seeing extreme, volatile climate changes, much more than climate scientists thought we would at 1 degree of warming. We must stay under 1.5 degrees.

This is not me saying this. I am parroting what the International Panel on Climate Change has said in its very severe warning to nations. In the context of that, the first state policy we must look at is a policy on climate change. Fortunately, the previous climate change minister, Ms O'Connor, developed a very good start. It was the climate smart 2020 strategy, which is and remains a comprehensive plan to reduce carbon emissions and adapt to the already extensive changes global warming is causing to the weather patterns of Tasmania. We need a climate change statewide policy to address the management of natural resources such as water and arable land.

The second state policy we need on settlement transport and infrastructure would deal with the fact that successive Liberal and Labor governments have presented population growth figures that appear to have been plucked out of the air or created on the back of an envelope. There has never been any substance behind the population figures that have been presented. That is madness when we are trying to work out settlement strategy decisions. We have to make an informed decision about what the population growth figure looks like if we are going to decide which parts of agricultural land we will protect, and which parts of the lands we might like to protect will have the water we need to water crops this century. We cannot prevaricate any longer.

It is totally interlinked, which is why we have put settlement, transport and infrastructure as whole state policy. The long-term settlement patterns and the transport that connects regions and the infrastructure needed to service them are tightly linked. We are seeing this with the issues with the Southern Outlet. We are seeing this everywhere. All the bottlenecks around the state relate to the large development in population density in an outlying area and councils, because two councils are involved, have not solved the road problem or how you move people between places. We will never get there unless we do that. We can do that in a planning policy but, unfortunately, if we only do it in a Tasmanian planning policy it is only within the planning scheme. It does not address the issue of transport and settlement issues across all the agencies. Health, education and housing all need to be part of the story.

The third area we need a state policy on is biodiversity management. All life depends on healthy ecosystems and having a wide genetic diversity within them. I noticed something when looking at the objectives under LUPAA, schedule 1, something was pointed out to me by Mr McGlone. I acknowledge we have Mr Peter McGlone from the Tasmanian Conservation Trust watching the debate today. If people are not aware, Peter McGlone is from the Tasmanian Conservation Trust. If people are not aware who Peter McGlone is, he is a legend. He has been working for the environment quietly and persistently for a very long time and most people in Planning would have come across Peter. Peter made a very good point about the definitions around what is genetic diversity and what is a healthy ecosystem. What we can see now are great ideas in that schedule in the RMPS but very non-specific language. It is impossible to do anything with

those words because there is no meat. What is genetic diversity? What do we mean? If we stray too far from a certain level of diversity, when is it a problem? We need a biodiversity management policy that would improve the functioning of our ecosystems and make sure that we have the precautionary principle and ecological sustainability right at the centre of decision-making across government.

We also need a state policy on public consultation. Community consultation across local and state government in Tasmania has been at a very low bar under the Liberal Government. It is dispiriting and frustrating and now people in the community are coming to understand from the experience so many people had in the public hearings process for the Marine Farming Planning Review Panel for Storm Bay, that it is not only dispiriting and frustrating, it is simply a sham of a rubber-stamping process. People are not being listened to and there are no guidelines about how that must be done. It is the public's right to be actively engaged early and sincerely in decisions. It is not only their right, it makes for better policy and a happier and more robust society. Fundamentally it reduces a lot of angst in the community, which is a problem in relation to the Marine Farming Planning Review Panel and the Storm Bay decision.

We have now a community of people in southern Tasmania and the north-west who have come together united in their outrage at being completely shut out of the process about the expansion of fish farms into Storm Bay and totally silenced. They are now considering what their next step will be. People are desperate. There are people whose livelihoods are on the line here with this decision. There are people whose recreational fishing rights and concerns about the sustainability of salmon farming in that quite particular marine environment of Storm Bay, and who are looking around for other ways to voice their concerns.

It is clearly affecting the reputation of salmon farming in Tasmania. Tasmanian salmon is now on the nose nationally. We do not yet know how much it would bite, so to speak, with Australian consumers, but it is pretty clear when the National Sustainable Seafood Guide puts Tasmanian salmon on the 'do not buy' list. That should be a wake-up call, not only about the decision that was made but about the process for the decision that was made which shut people out of the process. A public consultation policy is essential.

We also need a health and wellbeing state policy and a cultural preservation state policy. I will not go into the details of those other than to flag that a minimum of six statewide policies are required.

We have a number of amendments and have worked with the Labor Party and the minister and I believe the three parties have come to an understanding so we will see where we land in Committee, but it has certainly been productive and, most importantly, the people who are stakeholders feel listened to, which is really valuable.

We will be proposing an amendment which would go to the possibility of substantial modifications for Tasmanian planning policies, if they have been changed after they have been through the exhibition and consultation process of the Tasmanian Planning Commission to ensure that if there are really substantial modifications that are made by the minister after that process, they would return for another opportunity for people to have a say about the substantially changed Tasmanian planning policy.

We also have amendment to check off whether the Tasmanian planning policy criteria have been sufficiently met, if another change has been introduced by the minister. None of that takes

away the ability of the minister to make policy but it respects that in Tasmania we have a statutory body, the Tasmanian Planning Commission, which holds the people with the planning skills in this state we have entrusted through legislation to undertake an independent advisory role for government over planning. It is totally appropriate that their advice is sought on changes.

That is all I will say at this point because we have the committee stage to go into and we can talk about the details more when that happens.

Minister, I hope the Tasmanian planning policies are brought on soon because there has been a dearth of planning in this state for far too long and people are hungry to have a say about big issues. I encourage you to take a leaf out of - and you might be surprised to hear me say this - the Australian Productivity Commission's book. The Australian Productivity Commission does apparently a very good job of consultation. At the initial stage of developing policy or an idea, they put out a draft issues paper so, for example, there are two ways could go on housing planning policies. You could simply release a housing planning policy to go straight into the exhibition process to the Tasmanian Planning Commission. That, I would suggest, is a very poor path to take because people have no opportunity to shape the scope of the planning policy. What the Productivity Commission does is put an issues draft which gives people an opportunity to say, 'Okay, we're not quite sure whether you've got this or that right, but, by the way, did you know you have missed this whole area over here? This whole area needs to be included in the draft.' Then they put out the draft and consultation is had on that and then they do the formal process. It is the shaping of ideas that people are craving to have a say in, as well as the detail.

What we used to say when I was on the Huon Valley Council is that the problem people have with consultation, the way it is done these days, is that you get given a document and asked whether the toilet block should be brown or grey and that is the only opportunity you have instead of asking, should there be a toilet block, should it be here or should it be over there or do you have any other ideas about toilet blocks, please?

I encourage you, minister, to use this opportunity to set a new pathway. The pathway people are craving in Tasmania is to have an early say over the big issues in a meaningful way and for their voice to be genuinely heard. On that hopeful note, that is all I have to say on this part of the bill.

[5.56 p.m.]

Mr JAENSCH (Braddon - Minister for Planning) - Madam Speaker, I thank previous speakers for their contributions and for their constructive approach and cooperation, which, ultimately, will improve the bill. I acknowledge both have spoken about the need for this work. That is always a good place to start because we do not have to sell this to them or to anybody in the planning world. They have been looking out for these policies and this stage of the reform of our planning system for some time. I acknowledge Mr O'Byrne has previously raised the need for these policies, first when he was in government. I am happy to be involved with delivering it and for him to be here to witness it coming to life.

I need to address the issue of state policies because both speakers raised them. They are outside the scope of this bill but I need to refer to them as they have been raised. Both have asked about the Government's intent, perhaps seeking a formal commitment to develop state policies. I do not have the authority to commit the Government to state policies. We have the provision for state policies and we have three. There is no indication we will move away from having state policies or develop more of them. It is outside the scope of this bill. We understand their role in the system.

I understand that when the RMPS was first built the idea was that there would be more state policies. We reached two-and-a-half or three and went no further. There is work to be done.

Our focus is on the Tasmanian planning policies. There is a hierarchy of elements in this RMPS system, with the RMPS objectives at the top, state policies below that but on a level with the planning process objectives of LUPAA. The Tasmanian planning policies sit below. They are a third tier. In some cases, the Tasmanian planning policies have a role in applying elements of the state policies, applying elements of the state planning process objectives and sometimes the RMPS directives from schedule 1 directly. It is legitimate to develop the Tasmanian planning policies under the existing RMPS objectives and the planning process objectives.

We do not need state policies in place in order to have planning policies. The planning policies only relate to planning. The state policies have greater scope in that they reach across other legislation and other parts of government. We acknowledge the role of the state policies and their role in relation to the TPPs but we do not require a broader suite of state policies to have a broader suite of Tasmanian planning policies. I am looking for affirmation from my advisors because I wanted to put that in context. It is a matter of interest but I would like to leave my discussion of state policies there because I need to stick to the bill.

Mr O'Byrne also referred to the demonstration policies. I will reiterate, as indicated in the second reading speech, our intention was to do a first pass of the types of issues and the level of issue indicative of what a TPP might look like. For the purpose of the next stage, I would prefer to use that as one piece of starting point information. The TPPs can be much more than those bare bones examples. They might make more use of a narrative element upfront to explain what it is we are trying to achieve or protect through a policy. An ordinary person can read it and understand the intention of the planning system instead of looking at a list of fairly mechanistic criteria. The Tasmanian planning policies should read like a book, the story of how we want Tasmania to look, develop and the principles that will guide that in the future, rather than it being an administrative document with a series of disconnected specific points.

Dr Woodruff - Is it going to be a bedtime storybook or a thriller?

Mr JAENSCH - I am thinking of making a movie. I want to tap into something you both referred to in that the planning sector has been waiting for this for a while and the Tasmanian community is ready for it now. Possibly, the changes underway in Tasmania have brought planning issues to the front of more people's minds than over the last couple of decades because they want to know where we are going. We have good timing for development of Tasmanian planning policies because we can put the opportunity in front of people to contribute. The TPP process can feed into that and satisfy some of the interest people have in the future of Tasmania.

Mr O'Byrne raised other elements of the planning reforms. Our Government's focus has been on the building of some of the other elements of the Tasmanian Planning Scheme - the SPPs, now the LPSs applying the SPPs. We do these things in sequence. Arguably, it is in the reverse order to what it should have been if we had started building our planning system from scratch but we did not. We inherited a set of interim planning schemes and set about making them consistent. We now need to bring them into alignment and they are quite different things. With a set of Tasmanian planning policies, we are able to go to the regional land use strategies already in existence, align them to the policies and then align the new statewide planning provisions to those policies. Then we have the system with all of its elements working in the right cascade, from policy at the top

through regional strategy down to the statewide planning provisions and the way they play out in the LPSs.

In relation to the comments that have been made about the SPPs, LPSs and the order of developing our planning system, this is the turning point with the TPPs because the whole thing then flips and we start to drive it from policy washing down through to the local expression of that policy in a local planning scheme, and that is ideally how it should have been.

Interestingly, if we had tried to create statewide Tasmanian planning policies and then apply them consistently to 29 unique and different interim planning schemes, each with their own sets of provisions, it might have been a near impossible task. It has been somewhat illogical but it has worked to get it this way round and with the next steps everything will click into place. You watch.

Dr Woodruff referred to other aspects of the planning scheme and the planning reform process as well, again outside the scope of the bill, including the Resource Management and Planning Appeals Tribunal, which I do not want to be drawn into here, and the development of the codes and things, which is again another part of the system. Those matters are noted but I will stick to the TPPs.

I will briefly refer, as it has been raised, to how we are scheduling work and the expectations on the departments, the TPC and local government. As I mentioned previously, I have written to all councils, both sides of the recent elections, confirming our expectation that the local provision schedules will be completed by July next year.

I have also undertaken not to overload them with other things so they can clear the deck in terms of our expectations of their work in the planning system, so they are freed up to do that. We are working with councils to develop an individual work plan for each council and we are offering and providing them additional resources, including expert personnel from our department and the PPU to work with them to make sure they are getting their LPSs together.

We are also, with the Tasmanian Planning Commission, providing some quality assurance assistance to them so that by the time their local provision schedules are completed and ready for submission that they are what is needed. Hopefully then we will have high quality LPSs between now and July being submitted to the TPC, which will speed their process of assessment and allow them to deal with groups of LPSs together and shorten their time as well in assessment.

Mr O'Byrne - Did you say how many how been done, or have I missed that?

Mr JAENSCH - We have in hand five.

Mr O'Byrne - None have been signed off on but there are five in the process?

Mr JAENSCH - One has been exhibited. As to the resources of the department and the TPC, we have detailed work plans and are moving resources around within and between the different parts of that system to ensure we are not overloading any one part and are using our resources as cleanly or as efficiently as possible.

In developing the new TPPs, we do not want to overburden local government with those in the first half of next year. That is the time we can do some work, again harvesting existing policy material from things like the regional land use strategies where the regions and their councils and

their other contributors came up with policies and ideas about future land use in their regions. We do not want that work to be seen to have been wasted. Where we can get alignment or where we see there are things unique to a region, we need to draw on that and look at that as material we can build into the policies. This also means that when the TPPs are created and we embark on the alignment of the regional land use strategies and the other elements to the new TPPs, they will not be shocked in those systems and we will not have major, dramatic change applying brand-new thinking necessarily over the top of thinking which has good ground of its own.

That will be an interesting process but I do not want to overload councils with this during the first six months of next year. By the time they have the LPSs in we will be in a position to engage them on those first iterations of the TPPs. Both previous speakers have said there is merit in not just having people find out about this and having a limited opportunity to comment once it has been lodged with the TPC and exhibited, but to know what is coming and to have a hand in shaping that.

That is how I see the process that rolls on from what is hopefully going to be the successful passage of this bill through the parliament. On that I had best close unless there are any other major matters we need to deal with before going into Committee.

Dr Woodruff - Minister, did you make any comment about whether the Government is making a commitment to bringing in any state policies in this term of government?

Mr JAENSCH - I did make a statement at the outset that we have state policies and we have the capacity to make more. I am not aware of any specific plans to develop more but there is certainly no policy position of not creating more or abandoning that capacity to do it.

Dr Woodruff - There is no commitment to doing anything in state policies?

Mr JAENSCH - What we do not have is a work plan of policies that we are announcing we are going to do. It is not something -

Mr O'Byrne - You're not ruling it out but you're not ruling it in. Is that what you're saying?

Mr JAENSCH - It is there to be done and it is something that can happen alongside and maybe even contributed to by the work we are doing under this legislation.

Dr Woodruff - Only if you decide it should happen.

Mr JAENSCH - We are here debating this bill on this act which is my responsibility in my portfolio. The State Projects and Policies Act is separate legislation which comes under another minister. I do not want to be answering too many questions or providing undertakings. We have that capacity, we have some state policies, and we have no current policy announcement which says we are not going to or that we are going to.

Mr O'Byrne - Apart from your election commitment from 2014, but that doesn't matter, I'm sure.

Mr JAENSCH - We are here today to talk about this and we recognise the relationship that can exist between state policies and Tasmanian planning policies.

Bill read the second time.

LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)

In Committee

Clauses 1 to 4 agreed to.

Clause 5 -
Section 5A amended (Regional areas and regional land use strategies)

[6.15 p.m.]
Mr O'BYRNE - Mr Chairman, as foreshadowed in the debate around the second reading speech, I move the first amendment -

> Clause 5(a) proposed subsection (3A), after 'Minister', insert, ', having received advice from the Commission,'

It is crucially important that the TPPs are consistent with regional strategies. The amendment we are proposing ensures the minister has received advice from the commission that it is correct. It is simple. I appreciate the assistance of the minister's office in ensuring the drafting is consistent and appropriate.

Dr WOODRUFF - The Greens thoroughly support this. We had the same advice from stakeholders and it is critical to keep that strong and close advisory relationship between the Planning Commission with its expertise and the minister's department.

This will strengthen the bill and puts in black and white the relationship between the two bodies.

Mr JAENSCH - Mr Chairman, for the record, the reference is intended, I believe, to reflect that the Tasmanian planning policies inform the regional land use strategies and that the regional land use strategies must not be made or amended unless they are consistent with the Tasmanian planning policies and relevant state policies and the objectives of LUPAA. In determining that the minister will do so having received advice from the commission, which is what a minister would generally do in these circumstances. We support the amendment.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -
Part 2A inserted.

[6.18 p.m.]
Mr O'BYRNE - We have a series of amendments to clause 7. Do we want to deal with them separately?

Mr CHAIRMAN - We can do them all together or separately.

Mr O'BYRNE - How about we deal with them one at a time?

Mr CHAIRMAN - Fine.

Mr O'BYRNE - I move the following amendment -

> In clause 7 proposed new section 12B, subsection (2), insert the following new paragraph to follow part (b) -
>
> '( ) liveability, health and wellbeing of the community.'

The intent of this amendment when, in the original drafting of the bill, it refers to the TPP's 2(a), (b) and (c) -

> (2) The TPPs may relate to the following:
>
> (a) the sustainable use, development, protection or conservation of land;
>
> (b) environmental protection;
>
> (c) any other matter that may be included in a planning scheme or a regional land use strategy.

It might be referred to in other parts of the bill, but it is important that we expressly say people are at the centre of it. The environment sustainable use and development are important, but liveability, health and wellbeing of the community is crucial. While it may be covered in any other matter that may be included in a planning scheme or a regional land use strategy, explicitly referring to this puts people front and centre. This amendment of liveability, health and wellbeing of the community sends a strong message that it is explicit in the bill. I move the amendment.

Dr WOODRUFF - The Greens support this amendment. It struck me on reading the bill that the human element had been left out. It brings this amendment bill into line with the draft Tasmanian planning policies, which includes settlement and liveable communities planning policies. It is clearly in there as a key planning policy, as is cultural and natural heritage. This brings it into line with what is being proposed, so we support that.

Mr JAENSCH - Mr Chairman, we are happy to accept the addition of (c) under (2). For reference under the Land Use Planning and Approvals Act Schedule 1 objectives, Part 2F refers that an objective of the planning process established by this act is -

> to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;

It is certainly within the scope of the objectives that the TPPs would be bound to be consistent with, but there is absolutely no harm and there is good to be had by bringing it forward into this bill explicitly. I am happy to adopt the recommendation.

Amendment agreed to.

Mr O'BYRNE - Mr Chairman, I move -

The second amendment -

Proposed new section 12C(2)

Leave out all the words after 'relation to the' and

Insert 'intention to prepare a draft of the TPPs and a draft of the TPPs.'

There was concern that the minister would be the originator of the scope of the TPP in terms of what could be in and what could be out. We take at face value the intent, in discussions with the minister's office, that was not the case and that the minister would seek advice from the Planning Commission, state service agencies and state authorities. We thought it important that the legislation makes it clear that the minister would consult in the preparation of the draft, which is the starting point of the process. The key agencies have an opportunity in the contemplative stage of the draft play a role. The minister can take advantage of that advice in that consultation process to ensure that we start on the right foot.

Dr WOODRUFF - We support this. I want to clarify that it captures it as you have described, Mr O'Byrne. Instead of the clause saying 'in relation to the preparation of a draft of the TPPs' it will say 'in relation to the intention to prepare a draft of the TPPs'?

Mr O'Byrne - Preparing the draft and the draft itself.

Dr WOODRUFF - And a draft of the TPPs, would there be a comma? I am wondering, 'intention to prepare a draft of the TPPs, and a draft of the TPPs'?

Mr O'Byrne - I am an uncomplicated working-class lad from Launceston and my grammar is not that flash. That makes sense. I will rely on the OPC.

Dr WOODRUFF - There are two parts to it. Mr Risby is nodding. It is in relation to two things: the intention to prepare a draft of the TPPs and in relation to a draft of the TPPs. There is furious nodding in the Chamber so we will take it that OPC will make the changes, whatever is required to make it quite clear that there are two parts that we are talking about. Thank you, we are happy to support that.

Mr JAENSCH - Mr Chairman, we are happy with the intent and the clarification as has been discussed.

Amendment agreed to.

Mr O'BYRNE - This is the third amendment. I move the following further amendment -

Clause 7 - Proposed new section 12F subsection (1).

After paragraph (b) insert the following new paragraph:

(c) The Commission may, if it thinks fit, hold one or more hearings in relation to the representations received under s.12E.

Whilst we understand and acknowledge that the TPC controls its own destiny in how it consults, and that is appropriate, we feel that given the nature of the TPPs, they are not a rudimentary instrument, so to speak. It is an important instrument. The commission, if it thinks fit, holds one or more hearings in relation to the representations received. By virtue of the fact that this debate is in parliament if we can get this supported, that does send the message from the House that we think it is appropriate to have a public hearing. Ultimately it is their decision but we think the addition of this would be a sensible message to send to the TPC.

[6.28 p.m.]

Dr WOODRUFF - We strongly support that amendment. As I mentioned ad nauseam in my second reading speech contribution, more rather than less in the consultation and the openness. Again, this is not proscriptive. There is a view that it should be more proscriptive but where we have landed is, if the commission thinks it fit to hold one or more hearings in relation to the representations that have been received, it is important and we support it.

Mr JAENSCH - My understanding of this issue is that the effect of this amendment was embedded already. This makes it more explicit but it also honours the independence of the Tasmanian Planning Commission and its legislation which sets out the reasons why and the circumstances under which it may choose to ensure that there is a public hearing applying principles of natural justice and other matters.

We do not intend to direct them but this makes it clear to anyone reading the legislation that where that threshold is met - and it might be fairly low - that the commission goes out. An example I have had explained to me is that if there is a matter where there have been no submissions on an issue, the TPC may not consider it necessary to provide the opportunity of a hearing. We expect that in the formation of Tasmanian Planning policies, given the level of interest, that would be unlikely to arise. It is more about that separation and maintaining and setting the independence of the commission to be the master of its own destiny on these issues. I am happy to accept the amendment.

Amendment agreed to.

Mr CHAIRMAN - Dr Woodruff, if it is on section 12G, subsections (3) and (4), then you have the call.

Dr WOODRUFF - Thank you, Chair. Yes, everyone has these amendments. Maybe the Clerk does not have these.

Mr CHAIRMAN - You said (3) and (4), Dr Woodruff. Do you only have the one amendment?

Dr WOODRUFF - Yes. Can I read to the amendment and see if that is correct?

CHAIR - Yes.

[6.33 p.m.]

Dr WOODRUFF - I am amending clause 7 such that we omit subsections (3) and (4) of section 12G and insert the following subsections, the words being:

(2A) If a Minister intends to substantially modify the TPPs from the draft of the TPPs, the Minister must direct the Commission to comply with sections 12D and 12F in relation to the substantially modified TPPs as if it was a draft of the TPPs provided to the Commission under section 12C(3).

(3) The Minister may only make, or refuse to make, the Tasmanian Planning Policies under subsection (2) after considering the report provided to him or her under section 12F(2) in relation to a draft of the TPPs or a substantially modified draft of the TPPs under subsection (2A).

(4) The Minister may not make the Tasmanian Planning Policies unless the Minister is satisfied, on advice from the Tasmanian Planning Commission, that they meet the TPP criteria.

This amendment is to pick up on some issues that were noted by a number of stakeholders about the part of the process after the Tasmanian Planning Commission holds the exhibition process and hears representations and determines that the TPP criteria must be met and makes a report to the minister. After that process, the minister is required to consider the report, has the opportunity to seek other advice on any matter the minister so wishes, to make an assessment that the TPP criteria have been met if changes are made, and then go through the process of the final making of the TPP.

According to this amendment, if the minister, after seeking advice, makes a substantial modification to the TPPs, the minister must direct the commission to reopen the process of exhibition to ensure the stakeholders have an opportunity to comment on those substantial modifications and the commission will go through the same process. The final part, part 4, allows the minister to make the final TPP after advice from the Tasmanian Planning Commission that it meets the TPP criteria. This is advisory. It is returning the check because, as the process had it, the TPP criteria were being determined at that point. If the minister makes a change to the TPPs, the minister assesses the TPP criteria having been met. This amendment seeks to ensure the planning commission can provide advice that the criteria have been met. It is ticking boxes on public consultation and, as we have passed the previous amendment, on the relationship between the planning commission and the minister.

Mr O'BYRNE - We agree with this amendment. It in the interests of the minister to ensure there is community support and faith in the process if there is substantial modification to a TPP; that people are consulted and there is a level of touching base with people who have provided input. We support the amendment.

Mr JAENSCH - We have no objection to the amendment.

Amendment agreed to.

Mr O'BYRNE - Mr Chairman, I move -

That proposed new section 12G(7) be amended after 'Policies' (last occurring) by inserting, 'and publish his or reasons for refusing to make the TPPs.'.

Consistent with transparency, this ensures people understand why, if or when the minister makes the decision to refuse to make the TPP. It is a standard part of the process. If you are going to make a decision, explain it and make it public and people can understand. That will also become instructive if the minister decides to refuse to make a TPP; it is clearer and sets a direction. If an issue is raised or if there is a flaw it can be instructive for future TPPs. It potentially allows a greater level of debate and clarity in the use and need for the TPPs and what they are designed to do, and to make sure they are consistent with scope, content, breach and effect.

Dr WOODRUFF - There is no doubt that this is a great amendment. It is fantastic to have -

Mr Jaensch - One of your best.

Dr WOODRUFF - We had the same amendment drafted but, Mr O'Byrne, we are very happy to let you have it on the record. It is important to have statements of reasons and to make them available to people. We are very happy to support this.

Mr JAENSCH - No objections to this amendment.

Amendment agreed to.

Mr O'BYRNE - Mr Chairman, I move -

> That clause 7, proposed new section 12G(8)(c) be amended after 'TPPs' (last occurring) by adding, ', including the evidence that the Minister has based his reasons on.'.

We are making a decision and it is important it is not on the wing. It is not simply that the minister has a view. It is important that the evidence is quoted as part of the reasons given, the evidence the minister is relying on can be circulated and those with an interest will be able to understand it. That, again, instructs the following steps.

Dr WOODRUFF - I raised this in the briefing. I thank the staff for their comprehensive, extensive briefing. It was very helpful. I raised this because the minister is required to make sure the TPP criteria are met but is not exactly required to provide a statement of how the minister believes they have been met. We made an amendment previously and the minister will return to the Planning Commission and ask the Planning Commission's advice about whether the criteria have been met but that still needs to explicitly be shared in the public domain. We support that happening; that is great.

Mr JAENSCH - Mr Chairman, we have no objections to the proposed amendment.

Amendment agreed to.

Mr O'BYRNE - This is our last amendment. Consulting with the community, the Tasmanian Planning Information Network, Environment Tasmania and a range of groups, the EDO, Planning Matters Alliance Tasmania and Sophie Underwood, who was very helpful in explaining the significance of the bill and the TPPs to us. It is an activist network, but having an umbrella organisation such as PMAT allows for widespread consultation in a very efficient way. It is almost like a union, and as a unionist I think that is a tremendous thing. It is there to collectivise people's voices to ensure -

Mr Ferguson - Do you have their permission to say that?

Mr O'BYRNE - No, I am verballing it, but it ensures that diversity of opinion within a collectivist organisation is important. This is a new area of policy for me and I thank them for their assistance in helping develop my understanding. The amendment is not entirely consistent with some of the lobbying on this but I will explain it.

Mr Chairman, I move -

> That clause 7, proposed new section 12I, be amended by adding the following new subsection -
>
> (2) The Minister must at the end of every five-year period after the TPPs are made -
>
> (a) conduct a review of the TPPs and the implementation of the TPPs; or
>
> (b) by notice to the Commission, direct the Commission to conduct a review of the TPPs and the implementation of the TPPs and provide the Minister a report in relation to the review within the period specified in the notice;
>
> (c) the Minister must table a report on the review conducted under subsection (a) or provided by the Commission under subsection (b), in Parliament as soon as practicable.

There was talk of an annual review, but given the nature of these things and the time they take, and the resources available - again, we make the call to the minister to really cast his eye to increasing the resources in this area, it is desperately needed - but whilst a five-year period seems like a long time in planning it will go very quickly. It is also consistent with other elements of planning legislation where there are five-yearly reviews. Ensuring that there is a comprehensive report to the parliament as soon as practicable after the review is conducted is really important.

In planning there always is a laser-like focus on planning by this House, but having the discipline of a report updating the House in a very transparent and public way to the people of Tasmania the implementation of these instruments is crucially important. It will act as an internal discipline to the government to ensure they update the House and the people of Tasmania. We move that way.

Dr WOODRUFF - The bill as it stands, not the amendment, simply says that the minister is to keep the TPPs under regular and periodic review and there is nothing around that. It was asking for an amendment. We have been encouraged by stakeholders to consider a range of time for a review and annually was suggested, but in my experience having been on the Huon Valley Council a year goes around really quickly. If you are to do a review properly then it should be done properly and that takes time. If it was annually, we could end up finding - especially when there is a suite of Tasmanian planning policies - it would take too much time basically.

We do support five years. That is the same, I understand, for the regional land use strategies. They are required to be reviewed every five years. There is a question about whether it must be at

the end of every five years, but it could be earlier than five years possibly, depending on the planning policy.

Mr Jaensch - You could do it at the beginning of the five years.

Dr WOODRUFF - You could. You could do it on the day after you made it, so get started. If a review is to be conducted what would the scope of the review be? Would there be a possibility of just looking at whether it was working as it is or is it essentially an opportunity to revisit the whole planning policy? I understand it to be the latter, but I seek the advice of the department on that.

I have another point which was probably more appropriately raised in clause 3, but it is relevant at any part during this bill and I will speak about it now. It is in relation to the use of the phrase 'TPPs'. Throughout this bill TPPs are referred to in the plural as a suite, a portfolio approach. The bill consistently refers to TPPs as if it is one document. I note the minister talked about creating a book of policies. There is nothing that requires a book of policies to be created. It could in fact be one policy and never any more than that. There may only ever be one TPP. If it is the Government's intention to develop these as a range of policies and to do it all at once, that would mean that they would be advertised and reviewed within the same time frame by the Tasmanian Planning Commission.

Minister, you talked about five. Is it the intention to simultaneously develop five planning policies and put them out to exhibition across Tasmania on a whole suite of issues and that they would be looked at in the same 90-day period with public hearings on each one of them separately by the Planning Commission, all to be prepared within 90 days and then come to you, et cetera?

It becomes relevant when we talk about the amendment process. The amendment of a TPP requires it goes back to public exhibition. I recall from the briefing that the purpose of drafting was to make sure that when an amendment to one is made there is an opportunity to bring any other policies into line with that so we do not have an asynchronicity or an inconsistency between planning policies when they should be working harmoniously.

If you introduce a housing policy in a couple of months' time and then three months later you introduce critical infrastructure and then you introduce something else, is there the opportunity for people in the community to make representations on any of those others when one of them is being amended or presented?

The way the bill is drafted, they are called TPPs as a block and there is no way of considering them as an individual planning policy. I seek your thoughts on that.

Mr JAENSCH - With regard to the TPPs, you are right. The term is used because the TPPs is a book, whether it has one policy in it or 20. It may be developed sequentially over time and added to or subtracted from. When a new policy component is added for the first time, it is considered as an amendment to the TPPs book.

Dr Woodruff - Is the new policy considered to be an amendment in terms of the process?

Mr JAENSCH - Yes.

Dr Woodruff - Once you have made one, every single one after that is an amendment.

Mr CHAIRMAN - Dr Woodruff, if you could allow the minister to complete his answer.

Mr JAENSCH - It is an amendment to the book. It goes through the public exhibition process, then the TPP is subject to that exhibition and submission process but only in relation to the new bit. However, when it goes into the review process, which is being proposed on a five-year calendar, all the content is reviewed.

The proposed amendment has been framed so that there are a few different parts involving the minister conducting a review and the commission conducting a review as well. This picks up the fact that there needs to be a review of the relevance of the policies and then there needs to be the TPC's role of reviewing the consistency with the TPP criteria, being the LUPAA objectives and the state policies and anything related. The TPPs as a body of work may change over time. Any new addition or subtraction from it or an alteration is considered as an amendment after the initial making and the review then would apply to the whole lot.

The original draft bill said the minister is to keep the TPPs under regular and periodic review. That is establishing that as a requirement. The intention was to have regard for the other things it needed to be able to fit with. The proposed amendment covers a review timeframe for what else the TPPs directly relate to. The state planning provisions were the example given. They need to be reviewed every five years. Their review under this bill requires them to be reviewed against the Tasmanian planning policies. Every five years you refresh your policies and then ensure that the regional land use strategies and the other elements of the Tasmanian planning scheme align to them. It makes good sense and on that basis we are happy to adopt the amendment as proposed.

Dr WOODRUFF - I did not understand that. I am not sure some of the stakeholders understood that you would be intending to bring them on as a block. If you do not do that and you just bring one TPP on then every subsequent TPP will only get a contracted exhibition process because from what I think you said it is an amendment to the TPP suite. If you introduce planning policy on housing then, if you do introduce a planning policy on critical infrastructure or settlement or anything else, each of those planning policies, although a whole policy in themselves, is considered to be amending the book of Tasmanian planning policies. The first cab off the rank gets a 60-day exhibition period by the Tasmanian Planning Commission for the community to have a say, but every subsequent cab only gets 42 days.

I do not understand why that is the case. That does not seem to make sense as it does not give people the opportunity to properly engage. Areas that are equally important get a shorter consultation period.

Mr Jaensch - I can answer you -

Dr WOODRUFF - That is great because I am standing and I only get to stand twice on this clause.

Mr Jaensch - Permit me to speak from my seat.

Dr WOODRUFF - You could speak from your seat if you chose to. That would be within the rules.

Mr CHAIRMAN - If you had another question you could ask it and then you could answer both at the one time.

Dr WOODRUFF - Yes, if I knew what he was going to say. I may have another question.

Mr CHAIRMAN - That is not quite the way it works.

Dr WOODRUFF - The other question relating to that, minister, is the five-year review. This is legislation that presumably is not just being crafted for the term of this Government.

Mr Jaensch - No, we intend to be around for a long time.

Dr WOODRUFF - We will see about that. I assume that you have really crafted this for more than just the purpose of doing Tasmanian planning policy. If in 10 or 15 or 20 years time a future government - you or whoever else - is wanting to bring in a new planning policy then it is always going to be considered an amendment - although it would presumably stand in its own right as being equally deserving, important and substantial as the very first one you have created. You have crafted this process so that the exhibition period for a subsequent policy is only 42 days instead of 60 days. I do not understand why you have that two-tiered approach and -

Mr Jaensch - I will have a look.

Dr WOODRUFF - Thank you. In relation to the five years, when does the review process start? Is it starting from the first planning policy? Is the five-year review from the very first time a policy is made in the TPP and then every subsequent five years after that? Or is it five years from the making of each of the separate planning policies within the suite? Do you understand that?

Mr JAENSCH - Yes, I do. What is envisaged is that a complete set of Tasmanian Planning Policies are developed together and then made as a complete book. This allows, as referenced in the second reading speech, for them to be not only stand-alone policies but developed in each other's company so that they are integrated and cross-referenced as policies. Practically and for resourcing's sake, we will start with some and progressively work on others until we have a set of policies. One of the parts of the process we need to undertake is to confirm what our starting set of policies will be that covers a range of planning matters. We will go for the full set, or as full a set as we can manage. It may take us a year or more to develop them all. We may develop some in parallel and there may be some deemed a priority that we try to put first as a prototype. It has been discussed that settlement and liveability, given our housing challenges, might be a topical issue in which there are lots of information and engagement. The aim is a set of policies that are integrated with or refer to each other. That would commence as a larger volume, that being the book. Subsequent additions would be treated as amendments to that. In the first rounds of consultation on this last year it was originally intended that it would be 42 days from scratch. That was extended to 60 days for the initial TPPs, reverting to 42 days for subsequent amendments being smaller, relatively more discreet issues to be consulted.

There is provision within the bill if there are matters or amendments requiring extra examination. They can be examined through a hearing process. That might be a trigger the TPC raises and the commission can request extra time from the minister if they believe it is warranted.

Dr Woodruff - Yes. I don't understand why it has been contracted to 42 days. It doesn't seem to make sense because they would all be weighty matters. I accept the Planning Commission can ask for more time.

Mr JAENSCH - That being said, no objection to the amendment.

Dr Woodruff - Minister, you did not answer the question about the five years and whether it would start with the first one. If one was made now and another in three years' time, would the review for the second be two years after that, because it is five years after the very first one ever made?

Mr JAENSCH - My understanding, and I am going to look for confirmation as I say it, is that it is five years from the initial making of the TPPs and anything in it, five years hence, is part of the review. You might be reviewing something you have just made.

Dr Woodruff - Yes, I have it, thank you.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to and bill taken through the remainder of the Committee stages.

LAND USE PLANNING AND APPOROVALS AMENDMENT (TASMANIAN PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)

Third Reading

[7.12 p.m.]

Mr JAENSCH (Braddon - Minister for Planning) - Madam Speaker, I thank Mr O'Byrne and Dr Woodruff for their contributions and the improvements they contributed to the bill and to the many other people who made submissions throughout the year that have been included as amendments and have also improved the bill -

Mr Gutwein - And the former minister.

Mr JAENSCH - I was working my way up. All of this has contributed to the Tasmanian community's equity in this bill. I am looking forward to working with them on it.

I thank my predecessor, the former Planning minister, for doing the groundwork; my office, my senior planning adviser, Dr Anthony Reid, Brian, Liza and Sean from the Planning Policy Unit, for their excellent work; Kathrine Morgan-Wicks, the Secretary of the Department of Justice; and Greg Alomes from the Tasmanian Planning Commission, who also provided invaluable advice along the way. Thanks to everybody.

Bill read the third time.

LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) BILL 2018 (No. 49)

Second Reading

[7.14 p.m.]

Mr GUTWEIN (Bass - Treasurer - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

This bill proposes a number of minor miscellaneous amendments to the Local Government Act 1993. These amendments fall into two broad categories. The first group of amendments fine-tunes aspects of the local government code of conduct framework, in response to the outcomes of a recent review initiated by the local government sector. The second group of amendments will improve the clarity and effectiveness of the act in relation to a range of minor drafting and administrative issues. The amendments proposed by this bill across both categories have been the subject of substantial and detailed consultation with the sector and have received broad support.

On 26 June 2018, I announced a major review into Tasmania's local government legislation. I should state at the outset that the amendments contained in this bill are not part of that review. That review will deliver, in close collaboration with the local government sector, a best practice, 21st century framework that: supports greater innovation, flexibility and productivity; minimises red tape; enhances accountability and transparency; and increases community engagement, participation and confidence. The review is expected to take approximately two years. The amendments proposed by this bill will ensure the current act remains technically robust, practically workable and legally effective until such time the new legislative framework comes into force.

Tasmanians need to be confident the councillors they elect to represent them will uphold and abide by certain standards of conduct and behaviour. The Local Government Code of Conduct Framework plays an important role in ensuring this is the case. Earlier this year, the Tasmanian Government and the local government sector completed a review of the existing code of conduct framework for elected members, first introduced in 2016, to ensure it is operating as intended. The review was the subject of substantial and detailed consultation. The Government supports adjusting and refining the code of conduct to address the issues and concerns identified by the sector and Code of Conduct Panel members during consultation.

In responding to the review, the Government agreed to a package of 19 individual improvements to the code of conduct framework, designed to increase the sector's ownership of, and commitment to, the framework and improve the efficiency of the complaints handling process. A number of these improvements require legislative amendment. Others will be implemented through amending the model code of conduct and refining administrative processes. The key legislative changes include -

- a new requirement for complainants to demonstrate that they have undertaken reasonable efforts to resolve an issue that is the subject of a complaint before a complaint is formally accepted. This will place the onus on parties to try to resolve an issue before formal escalation and reinforce that a code of conduct complaint should be an option of last resort in relation to elected member behaviour;

- a new provision in the model code to allow panel chairs to dismiss complaints on the basis of triviality, as well as frivolous and vexatious complaints. This will improve efficiency by allowing the panel to focus its time and resources on investigating material behavioural conduct issues;

- a new provision that explicitly prevents all relevant parties from misusing information they obtain as part of a code of conduct investigation. The act does not currently deal with the misuse of information obtained by panel members or complainants, only elected members, and this needs to be addressed; and

- a new requirement that complainants, councillors, witnesses and councils verify the veracity of the information they provide to the Code of Conduct Panel by way of a statutory declaration.

The remaining code of conduct amendments are minor and are focused on improving the overall procedural fairness, confidentiality and transparency of the complaints handling process more generally. The second group of general, miscellaneous amendments seeks to address ambiguities and provide clarity in how the act is administered. These amendments fall broadly into four categories -

- the first are new provisions that enhance the clarity and consistency in the application of existing policy, at a practical level, across different parts of the act;

- the second are amendments to eliminate current drafting ambiguities, identified by both the Department of Premier and Cabinet's Local Government Division and the Office of Parliamentary Counsel;

- the third are changes to correct minor technical drafting oversights related to changes brought in during 2017; and

- the fourth are minor administrative corrections and updates, including addressing outdated names and inaccurate cross-referencing of sections.

All these changes have been widely consulted on, with some changes specifically requested by the sector to improve the administration of the act. The changes enjoy the broad support of the sector and will ensure the act is robust and effective in the period until the Government's new legislative framework for local government in Tasmania is implemented in 2020. The amendments proposed by the bill before the House today are minor, yet important to ensure the act's continued effective administration. The amendments are the outcome of a strong and ongoing collaborative relationship between the Government and the sector. They provide necessary clarity and consistency while the Government conducts and implements its broader legislative review.

I commend the bill to the House.

[7.19 p.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, I rise to indicate our support for the bill.

As the minister has outlined in his second reading speech, this has broad support across the local government sector. Many of their comments were saying 'not before too long', so well done. It is broadly supported. It has been a long time coming in some respects, some of the elements of this but it is getting done now so that is a great result.

For us and for the community, the clean-up amendments are important but the part of the amendment bill that takes people's eyes, are the issues around code of conduct. It is sensible to bring in the changes and I will read them out.

> A new requirement for complainants to demonstrate that they have undertaken reasonable efforts to resolve an issue that is the subject of a complaint before a complaint is formally accepted. This will place the onus on parties to try to

resolve an issue before formal escalation and reinforce that a code of conduct complaint be an option of last resort in relation to elected member behaviour.

That sends the message that if there are differences around the table the first port of call is for you to work together to try to resolve your differences in an amicable way. Broadly speaking, we have had a couple across the state. That happens if you are talking to local government representatives across the state, the vast majority of people who have differences of opinion from time to time that sometimes bubbles into the community based on either ideological or issues around key issues of debate for local government areas. Unfortunately, we have had some ordinary circumstances around some council chambers that have diminished local government in the eyes of local ratepayers and also incapacitated the council to work through significant issues in a collegial way. The updating of the code of conduct to ensure that they undertake reasonable efforts to work together, to work collaboratively prior to escalating a complaint through the code of conduct is the intent.

The new provision in the model code of conduct to allow a panel chairperson to dismiss complaints on the basis of triviality is designed to improve efficiency by allowing the panel to focus its time and resources on investigating material and behavioural conduct issues.

If you link the comparison to football tribunals that we would both be familiar with, some of the more trivial reporting -

Mr Gutwein - You would have been there more often than me.

Mr O'BYRNE - I have been there a couple of times. I had a strong sense of justice, minister, and when there was an injustice I did have a sense of outrage about that, but I was there a couple of times. Seriously, this provision is really important for the panel chairperson to say 'this is just silly' and the first couple that are dismissed sends a message to the rest of the councils across the state that this is not a triviality. This is a serious matter and if you do raise it, it will be considered appropriately. However, vexatious and trivial codes of conduct will not be accepted.

I suppose there are some times when you see these events occur you do not realise how inadequate our processes are to deal with them until you are in the middle of one. I understand and I have sympathy with the minister in a couple of cases that you had to deal with. The powers that you had and the powers that could have been exercised prior it coming to your desk could have been far clearer. Giving the chairperson the power to do such a thing makes them far more able to resolve these issues for the betterment of that local community.

Again, we support that, although the minister might be able to assist in terms of 'triviality'. That has many meanings and people from different perspectives have views about what is trivial and what is not. For the benefit of the House is there is any additional information you could provide which would clarify what is trivial and what is not? Not going into any particulars but it would be good to get some direction. I know there are legal meanings, I get that.

Mr Gutwein - It is difficult because it will be a matter of judgment. I do not want to set a bar. We will see if we can.

Mr O'BYRNE - I understand and I would not want you to compromise the panel chairperson but it is important that it is clearly understood what it means.

We support the new provision that explicitly prevents all relevant parties for misusing information they obtain as a part of the code of conduct investigation. Again, in my experience in lay tribunals there is a very broad version of what information can be shared, what is allowable, what is not allowable what is in camera, what is off the record, what is on the record. In a number of lay tribunals that I have represented people, there has been clear precedent and understanding of what is and what is not and that is known to the parties. It would be good if you could expand on what you actually mean by the kind of information that you are referring to. By way of example, not an exhaustive list, not an in or an out, but it would be good to receive some more information on that.

Procedural fairness is the other key. It is a minor amendment you say, but many times procedural fairness is far more important than the substance of the matter at hand. If people feel they have been afforded due process and procedural fairness, sometimes all they need is their day in court but the matter may not be resolved in substance to their satisfaction, but they need to feel confident that their complaint was heard, that it was heard fairly, that they were able to put their case to the panel and that was fairly and judiciously accepted and heard.

In terms of the code of conduct, we have had some pretty unsavoury scenes recently in Tasmania. It is not the first time and this bill will go some way into setting a standard and sending a message that there is a fairer and appropriate code of conduct process so that people feel that natural justice could be applied.

Minister, in terms of the other minor drafting errors we support that. That is appropriate and I am not going to provide any comment on that. In terms of the review of the act, obviously part of this got an airing in question time today and it is important that local government representatives have the legitimacy of a strong majority of the people of the local government area expressing their view on their representation. I know the review will work through that and work with local governments and people of interest in that review and we will be an active participant or an interested participant in that.

It is not the policy of the Liberal Party to have compulsory voting, but when we did make that call there was significant support from around the state. It was not unanimous but given the importance of that tier of government and the decisions that are made, that to celebrate a record turnout of 58 per cent - nearly 60 per cent - the fact that we are saying that is not something that we should be celebrating. At state and federal elections, we had over 90 per cent turnout for our elections. That gives us the credibility and it gives us the imprimatur. I do not want to debate mandates, whether that is in or out, but it gives us the authority and the credibility to represent the community, knowing full well that it is clearly an expression of the vast majority of people that this is how this tier of government needs to be represented. I know a number of mayors and I know it was hotly contested at the Local Government Association annual conference, but I know there is support for it. There is definite support in the community.

I know there is a view that you should not make people vote, but with democracy comes responsibility. Many people feel either the benefit or the brunt of decisions at local government level. The least they can do once every four years, is cast their ballot on who they have representing them. In your second reading speech you mentioned the review of the act and we will be keen to have a look at that.

I also want to put on record that I have been here on my feet since 2.30 p.m. and we have seen a couple of people come and go on different bills, but I want to acknowledge the work of Alex Tay

from the Office of Local Government. We have been dealing with some issues recently and he is a good and fair player and has provided some assistance in other matters before the House as well today. On behalf of the Labor Party we thank you for your commitment and the professionalism in which you undertake your work. We support the bill.

[7.30 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, on behalf of the Greens I support this Local Government Amendment (Miscellaneous) Bill. It contains a substantial number of amendments. Given the number of councils in Tasmania and the time it takes to reach agreement amongst the variety of players in the local government sector, this is a comprehensive raft of changes. It is very pleasing to see a number of them in particular, having been a councillor on the Huon Valley Council, several of these are overdue and very welcome.

I have had personal experience of the failings, the silence essentially, of the Local Government Act in guiding council laws and councils about a number of these issues. In some councils it has led to a certain amount of heartache and pain. In other councils it has led to concern about appropriate accountability measures and the fact that accountability has not been able to be achieved because information has not been made available or able to be made available. This appears to fix some of those issues.

I want to point to a few of the changes in here. I do support clause 8 which amends section 28ZB, which relates to the dismissal of code of conduct complaints on initial assessment and the inclusion of the words 'and trivial': Section 28ZB(1)(a) is amended to allow dismissal of a complaint made to a code of conduct panel on the basis that the complaint is trivial in addition to being vexatious. It has been my experience that the code of conduct process can be used by some particularly pugnacious, aggressive councillors who end up having highly personal relationships with other councillors that boil into a series of code of conduct complaints that are used as a type of attack on a councillor, a weapon essentially, to bog people down in endless paperwork.

I have seen it used a number of times against women who speak up and do not toe the line. They can be used in a vexatious way and they can be used on utterly trivial matters. It is painful, annoying and time consuming so I am very pleased to see the end of that process and the possibility of the empowerment of the code of conduct panel to dismiss a complaint on the basis that the complainant has not made a reasonable effort to resolve the issue that is the subject of the complaint.

I would like the minister's view on situations that I have observed where a complaint has been made against another councillor who is aggressive, pugnacious and difficult. I have seen people behaving incredibly rudely in workshops, unbelievably rudely in closed council workshops, because there is no-one else around except other councillors. In that situation where a person is behaving badly and is not inclined to be reasonable, it can be intimidating for a councillor to try to resolve an issue. I hope a person would not be expected to try to resolve a situation with a person who has presented themselves, particularly in front of other councillors in a workshop, as not wanting to change the way they speak to that person. What are your views about what would be required in that situation?

I had another question in relation to clause 14. This amends section 55(2) of the act by omitting the current section and replacing it with a new section which provides that a general manager must advise the councillor of any employees or general manager's interests. The general manager must keep a register of any such interests and it sets a maximum penalty for a breach of that section of 10 penalty units.

What happens with the register of an employee's or general manager's interests? What is its purpose? Is it to record and then be put away? We have had conflicts of interest in other situations in government where registering a conflict of interest is not enough to satisfy that the conflict is not misused. If a general manager has a register of conflicts with employees would that mean that the senior planning officer must not make a planning determination in relation to the people on the register? Or would it mean that person must not be on an interview panel because they have an interest?

Mr Gutwein - It would depend on what that interest was.

Dr WOODRUFF - Yes. Presumably it means some action will happen on some issues.

I am pleased to see that clause 15 amends section 56B of the act so that the gifts and donations register will be available for public inspection at council offices and on the council's website, and would be updated at least monthly. That is in line with other changes being made across government.

I am pleased to support clause 28 which amends section 228 of the act in relation to confidentiality so that board of inquiry documents or records used by the Director of Local Government for the purposes of an investigation would not be exempt from the Right to Information Act. The Government should take on board the fact that there is an exemption in the Right to Information Act for decisions made by a minister that are delegated to a secretary or to another senior member of government are not to be made available to the public.

That is a flaw, a loophole, an exemption, which the Premier has publicly acknowledged and the Ombudsman says should be changed. The Ombudsman cannot investigate the appropriateness of actions taken because the Right to Information Act prevents them from having any jurisdiction over those sorts of decisions and processes. It is not in the state's best interests when decisions are delegated to senior public servants so they cannot be available for public scrutiny under Right to Information. It is an abuse of the public's right to assess and scrutinise the decisions of everyone in state government just as much as local government. We support this clause and ask that the minister takes the same issue on board at the state.

Clause 35 amends section 339F, regarding the customer service charter. This means the councils' customer service charter must be reviewed within 12 months of a council election. It is important that new councillors must engage with the customer service charter for their council. That is a welcome addition because the way councillors frame the relationship between their council and ratepayers is incredibly important.

Clause 36 which amends section 340A clarifies that a councillor will not be entitled to allowances if they are suspended because of a performance improvement direction that has been issued under another part of the act. That is an entirely appropriate arrangement. It clarifies a difficult situation where this is all about putting in place a framework to encourage people to behave ethically.

Madam Speaker, what is missing from this bill is an amendment about the cost of boards of inquiry. It is thoroughly unjust and outrageous that the state government levies the costs of boards of inquiries onto the council communities for which they have ordered an inquiry to occur.

We have had two very expensive inquiry processes in Tasmania. The cost of those inquiries has been levied on the communities, who can ill afford them. I can only speak in relation to the Huon Valley. The minister does not like to hear it but the failure of his department, the Director of Local Government's Office, to act early enough on consistent and persistent complaints of misconduct and other corrupted processes in the Huon Valley Council led to a level of internal dysfunction that resulted in a board of inquiry having to be called. It was a case of failing to discipline people's behaviour. It encouraged them to continue to behave badly. It is totally unreasonable for communities to have to bear the cost of the state government failing to do its job of resourcing and providing the Director of Local Government with whatever is required to undertake thorough investigations, so that these things can be flushed out before it leads to a level of dysfunction and things falling apart within councils.

I acknowledge these changes to the Local Government Act will have involved many conversations with LGAT and throughout councils in Tasmania and with the staff in the department who have brought this altogether. As someone who has been on council, I look forward to the new batch of councillors, who have recently been elected, having tighter legislation to work within. Everyone in the state would be happy about that.

[7.47 p.m.]

Mr GUTWEIN (Bass - Treasurer) - Madam Speaker, I thank members for their contributions and support for what is a very sensible set of amendments that will enable the local government sector to manage itself appropriately within a framework that is going to be easier to understand, manage and to implement.

Mr O'Byrne raised the term 'triviality'. It is difficult for me to talk about it in this place because I then set a standard. For example, to put it in context, whilst you and I have known each other for a long time, if we were sitting around a council table and I answered that question as I did this morning in what I think you understood was a humorous intent -

Mr O'Byrne - It was a good attempt at humour.

Mr GUTWEIN - Well, its intent was humour. Some did find it humorous. Somebody else might not have and under those circumstances a code of conduct could have been brought forward on the basis of embarrassment or offence taken. That is not to suggest that utilising that sort of prop as I did this morning might not have caused somebody real concern under different circumstances.

It is a matter of looking at these things, balancing them and making a judgment as to what a reasonable person would normally be prepared to accept and determining matters that way. It will be a matter of judgment for the head of the panel. We select people with a range of skills, both life skills and experience in other areas. We trust them to ensure they have given the appropriate consideration and of the circumstances in exercising these clauses.

It also goes to the issue raised by the member for Franklin as to reasonable efforts. You used the example of somebody within a workshop. There was a pugnacious or difficult councillor and somebody might have felt unable to go to them to settle a matter, work through something and make reasonable efforts before feeling the only other option was the code of conduct pathway. I do not want to put everything onto mayors or deputy mayors, and they could be the person subject to a code of inquiry complaint; mayors and deputy mayors do play a role in local government. If somebody felt they could not go to another councillor because of the way that person behaved, in order to try to attempt to achieve an outcome where that behaviour would not occur into the future,

I suggest people should utilise the leadership structure they have within their council as the first opportunity. It could be done by writing a letter. It is a matter of making reasonable attempts to communicate and resolve.

Dr Woodruff - Without going straight to the red zone.

Mr GUTWEIN - Without going straight to the code and to the council, yes.

As in this place, people bring a lot of passion to the table in local government. I will not say the passion in this place can be misdirected but it can create quite a hostile environment at times. In the main, 95 per cent of business is generally agreed to in this place. Local government generally has a similar level of agreement around the council table. We are asking local government to ensure when there are difficulties that the first thought should not be to weaponise the code of conduct and put somebody into a process. That is a matter of attempting to work it out at a local level first and utilise that opportunity. If individual councillors or aldermen do not feel that they can have a cup of coffee with somebody, talk it through and try to resolve it, they could write or use other means.

The interests of general managers or staff specifically relates to a pecuniary interest. Staff or a general manager, for example, the planning officer, might own a piece of land and a development occurring on it. That interest needs to be declared and managed, and they should not be a part of the planning process for that property. It only relates to pecuniary; that register must be kept by the general manager and any declared interests managed through the process.

I wanted to touch on compulsory voting. I have an open mind to this. The review is the right process for those matters to be considered. It was a good outcome this year, the best result in 10 elections, or close to it -

Mr O'Byrne - A lot of advertising money was spent trying to turn that number of people out to vote and it is barely half the people.

Mr GUTWEIN - Again, 60 per cent is 60 per cent.

Mr O'Byrne - It was 58 per cent.

Mr GUTWEIN - It was 58.4 per cent or thereabouts. These are matters that should be considered through the review.

Mr O'Byrne - It is good to hear you have an open mind.

Mr GUTWEIN - In terms of the review, the act has stood the test of time since 1993. We now need an act that can stand the test of time for the next 25 years.

This is a great opportunity for the local government sector. The member made the point that the local government sector should be engaged and feel it is able to contribute - absolutely. We have an opportunity in this state to develop contemporary, fit-for-purpose legislation that will stand the test of time for next 25 years and the twenty-first century. The act, constructed as it was prior to 1993 and introduced in 1993, has not done a bad job, but it is getting to a point where we really need to think about what the right framework is moving forward.

I will touch on the last couple of the points from the member for Franklin. The board of inquiry costs - the member used the word 'unjust' - that it is unjust for a council to have to pay those costs. I argue that it would be unjust for other ratepayers to have to pay for the bad behaviour of a council that puts itself into that set of circumstances. While you might argue that I should have moved more quickly, in terms of the process and the engagement we had, I think you would have criticised me had I done so.

One of the challenges with the old act was that the major sanction in terms of a council behaving badly was get to a point where you needed to form the view that it was not functioning as it should and then you could stand them down. The recent changes made to the act will now enable us to deal with an individual councillor as opposed to an entire council. Flexibilities are built in. I come back to the point I started on in respect of this matter: I believe it would be unjust to ask other ratepayers to fund a process brought about by a particular council in a municipality, and that is the intent of the act. I have covered the other matters.

I thank the Local Government Division. The work that this small team does working with 29 councils around the state is fantastic. All of you should be very proud of the work you do. At times you can be stretched thin because with 29 different municipalities, there can be 29 different challenges that occur in the course of the same week. The staff of the division go about their task diligently and work very hard. Alex, you should be very proud of both the work you do and your team, and I thank you for your efforts in that area.

I thank members for their contributions and for their support on this bill.

Bill read the second time.

Bill read the third time.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 35)

Bill returned from the Legislative Council without amendment.

BUILDING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 27)

Bill returned from the Legislative Council with amendments.

Motion by **Mr Ferguson** agreed to -

That the amendments be made an order of the day.

BRAND TASMANIA BILL 2018 (No. 46)

Second Reading

[8.01 p.m.]

Mr HODGMAN (Franklin - Premier - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

It gives me great pleasure to bring before this House a bill for an act to establish Brand Tasmania.

Members would all agree that our brand is one of our state's greatest assets. Ensuring we have a contemporary, best practice approach to managing, developing, promoting and protecting our brand - our reputation, our unique competitive identity - is an important step.

Members would be aware that the profile of Tasmania's Brand has been built through the hard work of the Brand Tasmania Council and Tourism Tasmania, supported by a network of organisations that promote Tasmania internally and externally, together with Tasmanians and Tasmanian businesses.

I extend my thanks to the Brand Tasmania Council and to Executive Director Mr Robert Heazlewood, who is in the Chamber this evening, and all past and present councillors. The Brand Council's efforts and energy have driven the local, national and international appreciation and recognition of our brand for over two decades. Importantly, the work of the Brand Council will continue in the new statutory authority, but with an increased effort and more resources to support brand promotion, collaboration and management in Tasmania.

Tasmania's brand has served us well in the past and transitioning the Brand Council to a statutory authority provides us with an opportunity to strengthen our brand even further.

The bill before the House today is the culmination of a significant amount of work that has been progressed by my department since late 2016. My Government's commitment to transitioning the Brand Council to a statutory authority structure, responsible for managing and developing the Tasmanian Brand, came about through a review of the Tasmanian Brand undertaken by my department in late 2016 and early 2017. This review found that the Tasmanian place brand is strong, but that we also have an immense opportunity before us for improvement, and to more clearly differentiate ourselves from our competitors. A key recommendation was to formalise governance arrangements to ensure Tasmania's place branding efforts are properly resourced and sustainable over time.

In today's globalised world, 'place branding' has emerged as a means through which countries, cities, states, nations and regions competitively differentiate themselves. Place branding aims to enhance and promote the competitive identity of a place, through a combination of brand management, public diplomacy, trade, investment, tourism and export promotion. Place branding experts argue that governments have a responsibility, on behalf of their people, their institutions and their companies, to understand the image and reputation of their place, and to develop a strategy to manage it so that their place remains competitive. In Tasmania, this work will be led by the new authority, through the enabling legislation, which clearly specifies the objectives and functions of the authority. We know that places with strong, positive brands attract more tourists, greater foreign direct investment, increase exports and attract and retain talent. This means that having a strong, recognised, and admired brand and reputation can have an impact on economic indicators.

As members are aware, the purpose of this bill is to transition the Brand Council into a statutory authority. As is the case with Tourism Tasmania, this authority will be a state authority under the State Service Act 2000, with the chief executive officer the head of agency for the purposes of the State Service Act 2000. The authority will be required to comply with all applicable legislation for

government bodies, including the provisions of the Financial Management and Audit Act 1990, and from 1 July 2019 the Financial Management Act 2016.

Madam Speaker, I will now turn to the specific provisions of the bill before us that give effect to the Government's policy intent.

With regard to the objectives of the authority which are set out in clause 7, there are three broad, but important, objectives specified. Firstly, the authority is to ensure that a Tasmanian brand, which differentiates and enhances Tasmania's appeal and national and international competitiveness, is developed, maintained, protected and promoted.

The new authority will be responsible for communicating and promoting a deeper explanation of our unique Tasmanian attributes in a way that more clearly differentiates us from our competitors.

The second objective of the authority is to ensure that Tasmania's image and reputation locally, nationally and internationally is strengthened.

And third, the authority is to ensure the Tasmanian place brand is nurtured, enhanced and promoted as a key asset of the Tasmanian community. In this regard, the authority is the 'custodian' of the Tasmanian place brand, on behalf of the Tasmanian community.

The authority's functions are listed in clause 8. The authority will promote the Tasmanian Brand by creating, coordinating, managing, developing and supporting promotional and marketing activities that are designed to -

- strengthen Tasmania's image and reputation; and
- enhance the attractiveness of Tasmania as a place in which to live, work, study, visit, invest or trade; and
- maximise the profile and the competitive position of Tasmanian goods, services, experiences and products in local, national and international markets.

While it will be up to the new authority to decide the exact form those promotional and marketing activities take, there are numerous examples from other place branding organisations around the world that demonstrate the types of 'tool kits' that can be developed to support place branding strategy and engagement.

What is important is that this authority develops its own tool kit, in partnership with its stakeholders, which will be an establishment task the authority will undertake in early 2019.

In line with the objective of the authority to strengthen and protect Tasmania's image and reputation locally, the authority will be required to manage any risk to the reputation of the Tasmanian place brand, including the early identification of risk and the development of mitigation or contingency plans in relation to that risk.

We know from the research and from our own experience that place branding is most successful when it is a collaborative effort across government, non-government, business and community sectors. That is why an important function of this authority will be to drive collaboration, engage both the public and private sectors, ensure coordination across government agencies, and, most

importantly, engagement with the Tasmanian community. To inform the authority's strategic direction, the authority has the responsibility to undertake, support and interpret any research, or any other insights, into matters relevant to the authority's functions.

The powers of the authority are listed in clause 9. The authority has the powers to enable it to undertake its legislative functions. This includes the power to acquire, hold, dispose of and otherwise deal with property; enter into contracts; and to control access to the uses to be made of any material or any assets developed by the authority.

In terms of the structure, the governance of this authority is to be led by the board. The board of the authority will consist of between nine and 11 members, and will include three senior public servants, including the Secretary of the Department of Premier and Cabinet and an officer of Tourism Tasmania, with the other members to be appointed on the basis of the skills mix listed in clause 10. Members will be appointed by the Governor on the recommendation of the minister, members' terms will not exceed three years, and board members may be eligible for reappointment, although not for more than three terms.

The board is responsible to the minister for the performance and exercise of the authority's functions and powers, with the minister ultimately accountable to the parliament. However, it is not the intent that the board will manage the day-to-day operations of the authority. That responsibility will rest with the chief executive officer who will have a number of responsibilities both under this bill as well as other important legislation such as the State Service Act 2000, the Financial Management and Audit Act 1990, and, from 1 July 2019, the Financial Management Act 2016.

Other responsibilities and powers that relate to the board under this bill include powers relating to delegation, the responsibility to notify the minister of developments that may significantly impact the authority. The board also has the power to establish any committees that it requires.

The strategic oversight and direction requirements are set out in Division 2 of Part 3 of the bill and include provisions for a ministerial statement of expectations, ministerial directions, a strategic plan and a corporate plan. The Government may issue a statement of expectations to the authority in the context of the authority's objectives, functions and powers. Similar to the type of ministerial statement of expectations that might be issued for a government business enterprise, the intent of this instrument is to allow the Government to provide more detail on its expectations for the authority.

The inclusion of provisions around ministerial statements of expectations and ministerial directions are not about giving the minister power to engage or interfere in the day-to-day operations of the authority. These instruments are included to allow the minister, when needed, to specifically direct the board to undertake some action to achieve a strategic objective, or in relation to some administrative or managerial function of the board.

However, there are limits and checks on the use of this ministerial power. Recognising the important role the authority will have to nurture, enhance and promote the Tasmanian Brand as an asset of the community, the minister cannot issue a direction to the board that seeks to exert control or influence over the content of events or activities conducted, promoted or supported by the board.

The board is responsible for preparing the strategic plan of the authority, which is to be for a planning period of not less than three years. The strategic plan is to give effect to the Government's

expectations communicated through the ministerial statement of expectations and is to also articulate the authority's goals for the general management, operational, financial sustainability and development of the authority, as well as the strategies to be implemented to achieve those goals. The strategic plan is to also detail the strategies for managing risk, measuring success and monitoring progress towards the attainment of the goals detailed in the strategic plan.

To support the implementation of the strategic plan, and the achievement of the goals and strategies detailed in the strategic plan, the authority is to also prepare a corporate plan to cover each financial year period. To complete the planning cycle and to report on the achievement of governance objectives the board is to prepare an annual report, which is to be combined with the annual report the chief executive officer is required to prepare under section 36 of the State Service Act 2000.

The authority will be led by a chief executive officer, who will be a head of agency for the purposes of the State Service Act 2000. The chief executive officer is responsible to the board for the general administration and management of the authority, and is to act as secretary to the board. Staff will be appointed or employed subject to, and in accordance with, the State Service Act 2000.

As I have touched on, Brand Tasmania will operate in accordance with legislation that applies to government agencies and authorities such as the Financial Management and Audit Act 1990, and from 1 July 2019, the Financial Management Act 2016. The budget for this authority will be determined through the standard budget development processes.

This bill transitions the important work of managing and coordinating Tasmania's place branding activities from the Brand Tasmania Council into a new statutory authority model. The bill provides clear lines of responsibility and accountability for the management and operation of the Tasmanian Place Brand and the authority which will be tasked with protecting and promoting our brand. In doing so, the bill establishes contemporary governance structures and process for strategic decision-making, and importantly for the review and evaluation of our place branding efforts to ensure our work in this area remains contemporary and reflective of best practice.

Madam Speaker, places, be they cities, regions, countries or states - just like Tasmania - need to be able to clearly differentiate and communicate their unique 'competitive identity' - their brand, their story - in order to be successful and stay competitive in the global market place.

We know that there are huge opportunities awaiting our state, in terms of our economy, attracting visitors and students, and selling our products and services. Of course, we could keep doing more of the same. While our brand is strong, we also acknowledge that we can do better. We can do more.

Through the establishment of the statutory authority we will build an overarching Tasmanian place brand that embodies the spirit of this place and its people. This will help us to best stand out from the crowd as we compete in the global marketplace for tourists, investment, trade, students and talent. To communicate the brand, the new authority will develop a range of digital assets and a contemporary tool box for people to use.

Through this legislation we will provide an enduring governance structure and longevity to our brand efforts; and importantly, we will invite the community to be part of this effort, and to share their stories for the benefits of other Tasmanians. Our brand efforts will be monitored and evaluated, in line with best practices approaches to ensure we know how our brand is performing

and to allow us to adapt and evolve our brand over time. Last but not least, through this new approach we will together work to inspire collaboration across government, brand leaders, the private sector and the community to leverage our unique Tasmanian place brand to truly capture what is Tasmania.

I commend the bill to the House.

[8.16 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, the Labor Party will be supporting the bill with amendments. I understand there will be a number also moved by the member for Clark, Ms O'Connor, as well as from the Labor Party. I thank the Government and the Premier for the way they have engaged with us to improve the bill. To my knowledge, it would be the first time we have been able to work constructively to enhance legislation in this way. It is a demonstration of how the parliament can work and will lead to a better outcome in the bill this place passes to the next place if all the amendments are adopted.

I thank the staff from your department who provided the briefing, Premier. It was very comprehensive, the best briefing I have ever had. I had a PowerPoint presentation provided to me, detailed notes and explanations made about the different elements of this bill. They did not leave any stone unturned. The background and research that has gone into developing this legislation is something they should be very proud of. It is important it was done that way because this is about the Tasmanian brand. It is fundamental legislation. I am proud to speak to it tonight because it underpins everything this state stands for and the way we are able to promote ourselves to the rest of the world.

I thank the outgoing Executive Director of Brand Tasmania, Robert Heazlewood and all of his board members, who have contributed over many years to improving the reputation Tasmania has nationally and internationally and promoting the things we do so very well. Taking a look at the Brand Tasmania website, you can see all of the different aspects making up the Tasmanian Brand the Brand Tasmania Council has been promoting for many years.

The Brand Tasmania Council was established in the early 1990s. It came about because exporters in a diverse range of industries found they had a common need for a coherent story about Tasmania. That is what the bill captures today and it is what the Brand Council has been sharing as the story of Tasmania for decades. I acknowledge the group that founded the Brand Council, which included Andrew Pirie, Bill Casimaty, Buzz Green, Peter Shelley, Tony Stacey, Clare McShane, Jan Taylor and Robert Clifford for the work they did. I acknowledge the current Brand Tasmania Council members including Michael Grainger, the Chair, Allanah Dopson, the Deputy Chair, Darren Alexander, Mark Bowles, Glenn Britton, Bernard Dwyer, Kim Evans, Nick Haddow, Robert Pennicott, Louise Radman, Tony Stacey, Martin Turmine, Rob Heazlewood and the executive staff who support them.

I looked at this bill and examined whether it captured all those aspects that make us Tasmanian because it will be the document we refer to when considering how we promote Tasmania. I also took a look at the Brand Council website to see how they had framed the different characteristics that differentiate us from other places in the world and the particular sectors of our economy we do particularly well in. Those listed on the website include agriculture, which would be no surprise to anybody, Antarctic and Southern Ocean, the arts, education, energy, food and beverage, forestry and timber, information and communications technology, infrastructure, manufacturing, media and

entertainment, minerals and mining, research, seafood, services, textile, clothing and footwear and tourism.

Ms O'Connor - No wilderness in there, the foundation of our brand?

Ms WHITE - It is interesting, the member for Clark interjects, that there was not a reference to the environment, given how fundamental that is to our brand in Tasmania. That has been picked up in this bill and that was important to see. It is about how we promote ourselves to the rest of the world as a place that does business, trade and commerce and as a place to live. Tasmania is a community that looks after one another, a place to learn as well as a place to visit. We need to identify all those things that make us pretty special and capture that in this legislation. I feel very confident all of those elements have been captured in this bill before the House.

The Labor Party will be seeking to make amendments. I would like to explain why. There are two I will be moving in the Committee stage. The first is clause 8(1)(c). Currently, this clause in the bill reads that the functions of the authority include the responsibility -

> (c) to manage risks to the reputation of the Tasmanian Brand, including the early identification of any such risk and the development of mitigation or contingency plans in relation to that risk;

The concern I have regarding this is that authority has no power to manage any risks. For example, take the biosecurity incursion we had with fruit fly earlier in the year. There was no ability for the Brand Council to manage that risk. They could identify that as a risk to the Tasmanian Brand and work with their partners, and their key partners interstate or overseas where our markets might be, and make sure they understood how strategies are being put in place to deal with that risk but they could not manage that risk themselves. The amendment I will be moving is to change from the word 'manage' and replace it with the word 'identify'. The new paragraph would read -

> to identify risks to the reputation of the Tasmanian Brand and to develop mitigation or contingency plans in relation to that risk.

The other reason I was concerned about that is it would leave the authority open to a challenge if an operator in our market was impacted by one of those risks and felt they had no other recourse than to bring forward a legal case against the authority for their failure to manage that risk. There is also the risk to the reputation of the Tasmanian brand and how they would address those concerns. I may have been overly cautious in identifying that as a flaw with the bill but I am pleased to see it addressed. It is important we get this right and do not leave any room for expectations to be created that the authority itself cannot manage.

The other amendment I will be moving is in relation to the make-up of the board and that is clause 10(1)(c). The current make-up of the board, as described by the Premier in the second speech required that two persons who are State Service officers be on the board including one of whom is employed by Tourism Tasmania.

The amendment I will be moving is that Tourism Tasmania can nominate somebody to be on the board but that it does not necessarily have to be somebody employed by them. It does not preclude somebody who is employed by them being on that board. However, given the Brand Council came from the private sector and has been driven by those private sector interests, there is a real necessity to ensure it maintains those principles in practice. The board should not be made

up of too many public servants. The board can be made up of between nine and 11 members. With the Department of Premier and Cabinet having their secretary on the board, plus two other State Service officers, there was the case that three of potentially nine board members could be public servants, a third of the board being public servants. Given the Brand Council traditionally has been so well connected to the private sector, that is easily addressed by ensuring one of those new board positions is not necessarily a public sector employee but can be nominated by Tourism Tasmania. It might be somebody who sits on the Tourism Tasmania board who operates in private enterprise, has an understanding of arts and culture, tourism, heritage or whatever their expertise might be that fits with the skill set required to complement the other members of that board.

It was important to ensure Brand Tasmania could focus on all of those other aspects that it is required to address comprehensively, things from agriculture through to Antarctic and Southern Ocean et cetera, and not be too heavily focused on tourism. We already have a board, Tourism Tasmania, that focuses specifically on tourism. Brand Tasmania board does not need to replicate that role or responsibility. It is already being done well and there are many other aspects that make up the Tasmanian brand that need to be represented around the board table.

I hope that provides explanation for those amendments the Labor Party will be seeking to move tonight.

I understand the Greens will be moving amendments too and I have had a look at the amendments the member is intending to move. I will wait and listen to the explanation as to why you think those things are necessary. On face value, they look reasonable.

I thank the Premier again for his willingness to listen to our ideas. It has been good to be able to work together on something as important as this which is fundamental to who we all are as Tasmanians: legislation that describes our brand, our story, our place and what it is like to live in Tasmania, work in Tasmania and how we want to position ourselves as a place to visit. Importantly, how we protect those things that uphold the integrity of the Tasmanian brand that make us special, that differentiate us from other places around the world and provide a competitive advantage for businesses in our state who are trading nationally and internationally, whether that be in those key sectors I read out or new sectors that are emerging that we have not even imagined yet that can capitalise on the Tasmanian brand.

I look forward to the rest of the debate.

[8.29 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, it gives me great pleasure on behalf of the Greens tonight to support the Brand Tasmania Bill 2018.

When we talk about Tasmania's brand it has so many elements to it. The foundational and geographical story of Tasmania's brand is the fact we are a chip off the old Gondwanan block. We have extraordinary flora here, King Billy pine, Huon, *Nothofagus gunnii*, our native species and you will not find them anywhere else in the world. You can travel around the island in a week or two and see half a dozen completely different landscapes, so stunningly beautiful.

The human history of our brand goes back tens of thousands of years - 40 000 years or more to the first people, the palawa pakana, who shaped this island. This beautiful island, the mosaic burns, the way they managed and cared for Tasmania, the island lutruwita, has been part of why Tasmania, lutruwita, captures the imagination of people from all over the world. From the Greens' point of

view, the story of those foundational elements of our brand goes back to Lake Pedder, to the battle to save that beautiful quartz beach, that incredible place like nowhere else in the world. The civil society movement lost that battle, but we saved the mighty Franklin River which runs free and it runs free because hundreds of people, who over a long period of time got in there, defended that place, held off the bulldozers until the federal government stepped in and said we will save the Franklin River. That is part of wild Tasmania that is the foundation of our brand.

Then you go to the battle to save Wesley Vale from the pulp mill way back in 1988-89, which gave birth politically to Christine Milne, a former Tasmanian Greens leader, a former Australian Greens leader and the first person as far as I know to coin the term 'clean, green and clever'. These are the foundational elements of the brand that we are discussing tonight, the brand that we celebrate, the brand that the Greens will always defend in this place.

After Wesley Vale, a successful campaign, there was another threat to Tasmania's brand, to our forest, to our natural environment, to our reputation for clean air, and that was the proposed Gunns pulp mill in the Tamar Valley. Again, civil society stood up and defended this island and thus defended its brand. If the Tamar Valley pulp mill had gone ahead our brand would have been damaged. Our reputation as a clean and green island would have been damaged. Deforestation would have accelerated and visitors coming to this place would have seen far more clear-felled, burned and scarified landscapes than they see today.

I am in this place because there was a Sydney-based company that wanted to put 500 homes and a marina inside the Ralphs Bay conservation area. Again, civil society, an incredible group of people, stood up to defend their place, to protect the Ralphs Bay conservation area, to protect the beautiful pied oystercatchers, a tiny little red-necked stint which flies all the way to Siberia and back each year to the sand flats of Ralphs Bay. Civil society defended the Ralphs Bay conservation area. There are not Gold Coast style canal estates right there in the River Derwent and that is part of what has defined and defended our brands.

All through these decades you had people who understood and respected the intrinsic value of all life, who looked at a forest and saw it for what it really was - a complete natural miracle. Over decades, Tasmanian civil society, conservationists, Greens members of parliament, our extraordinary author, Richard Flanagan, have stood up for Tasmania's forests and in many cases put their bodies in front of the bulldozers. Who can forget those iconic images of Bob Brown being carted away, putting his whole being in between Tasmania's forests and those who would destroy it.

Even in the term of the Labor-Greens government, action was taken by the government of the day, working with the environment movement and the timber industry to protect Tasmania's forests. Those forests are integral to what people identify with Tasmania and they are part of the reason that people come to this beautiful island. Still now, as a result of the actions of that government, 356 000 hectares of beautiful, high conservation value forests, Styx, Florentine, Picton, Weld, the Bruny forests over to the Tasman Peninsula, Wielangta, the Blue Tiers, into the Great Western Tiers and the Tarkine, are those extraordinary forests which are a foundational element of the Tasmanian brand and which are still not safe.

Madam Speaker, that brings me to what is a potential risk every day in this place to Tasmania's brand. A brand is a fragile and precious thing. It only takes one bad policy, one careless act on the part of an industry or government, and your brand is tainted. A brand must have integrity. Without integrity the brand is meaningless. To protect this remarkable brand which is like no other brand

on earth, brand Tasmania, we must be committed to upholding the integrity of that brand and that means we have to nurture the foundational assets, for want of a better word, of that brand.

When you talk to visitors to Tasmania, whether they come from mainland Australia or overseas, and you ask them why they have come to this place, it is because Tasmania captures in people's imagination something of a lost world, a place where there is still wilderness. People talk about wilderness as a major drawcard for coming to Tasmania. Visitor surveys have been done and visitors have been asked, 'What brought you here?' and the number one consideration that drives visitation to Tasmania is the wilderness. It is a perception of purity and pristineness, which is in part true. For visitors who come here because Tasmania captures this place in their imagination, they do not necessarily need to go in to see the wilderness, they just need to know it is there. People all over the world just need to know that there is a place like Tasmania. It gives people hope.

I remember before I was elected, I was tramping around the flats of Ralphs Bay. I was on the phone to my late father-in-law, and he said, 'What are you up to, Cassy?' and I said, 'Oh, you know, working', and I told him a little story of Ralphs Bay and he goes, 'You fight hard, girl'. He was living in Sydney. 'You fight hard, girl. We up here need to know there is a place like Tasmania on Earth'. We need to remember that we are, in the parliament right now, the custodians of something extraordinary. A little green heart shaped island at the bottom of the world that has wilderness, that has extraordinary forests, incredible coast lines; that has the most extraordinary European and Aboriginal cultural heritage, that draws artists from all over the world, partly because of the light here. We are at the same latitude in the southern hemisphere as Tuscany in the northern hemisphere and that is why we get that incredible golden light here. It draws artists and story tellers to this island. That light, that quality, that something magic about this island that you will not find in other parts of the world. They are those intrinsic underlying assets of our brand. People from all over the world look at this island and they regard it as a jewel.

I recognise that, in establishing an authority, we are actually strengthening the protective capacity, if you like, of government, parliament, businesses, trading entities, our primary producers and civil society to nurture our brand. I was stoked to hear the Premier use the word 'nurture'. Our role here in establishing this authority is to set up something which has a protective role, a nurturing role in making sure that our brand stays in good shape.

I also echo the comments of the Leader of the Opposition in acknowledging the work of Robert Heazlewood, after all these years. I was just talking to Robert in the foyer and he told me 17 years ago, when he got the job with Brand Tasmania, he was told that he had to work in a home office, buy his own car, run his own show. Robert, we have not always agreed on some of these brand issues but I acknowledge that you have stayed on, you have worked hard, you have done your best to be part of building up Brand Tasmania and we owe you a debt of gratitude. Thank you.

Members - Hear, hear.

Ms O'CONNOR - We need to acknowledge that the Brand Tasmania Authority will, as a result of this legislation, have the capacity to identify risks to the brand and also opportunities to strengthen the brand. The risks to brand, right now, and I have only thought about it for a few days, are the loss of wilderness. That is happening under this Government through the expressions of interest process.

I urge the Premier to again have a look at the definition of 'wilderness'. Wilderness is not wilderness when you are putting luxury lodges inside wilderness, allowing helicopter flights to ferry

wealthy tourists in and out of places that have been freely enjoyed by fly fishermen and walkers for decades with the lightest touch; the lightest human touch on the wilderness. Building luxury lodges and helicopters is not a light touch. By UN definition that degrades wilderness. If we degrade our wilderness, if we turn our wild places into a theme park like Canada has and is now frantically back-pedalling from, we will put the brand at risk. Just as if we allow the loggers into the 356 000 hectares of incredible, miraculous high conservation value forest around this state we will put the brand at risk.

Another threat to our brand - and I believe that in a reflective moment outside this Chamber it is entirely possible that the Premier and the Leader of the Opposition would agree with me - is the potential damage to the marine environment caused by rampant fish farm expansion. People who come here from interstate and overseas have an idea of purity and pristineness when they think about Tasmania. If they get here and they go for a swim off Bruny, down in Frederick Henry Bay and they can see that the water is full of something slimy and grimy and fishy, which is fish poo, that places our brand at risk and it creates a perception in the visitors' mind that our brand is not as pristine as it should be.

Did you want to, by way of interjection, contribute to the debate, Mr Hidding?

Mr Hidding - No, no. I do not want to speak while you are interrupting.

Ms O'CONNOR - Thank you, Mr Barnett.

Mr Hidding - Mr Barnett often says he worries about your croaky voice.

Ms O'CONNOR - Another threat to our brand is inappropriate, ill thought out development, whether it be pulp mills or canal estates or skyscrapers in our beautiful medium-rise city of Hobart. We need to be very careful about the development decisions we make, about the land use planning decisions we make and about making sure we talk to Tasmanians about what they want from their built fabric and are part of the decision making about the future of our fantastic city.

Another risk to the brand is a risk that comes about potentially as a result of our own success, the fact that people want to come here from every corner of the globe to see one the of the last truly wild and civilised places on the planet. I know they sound like a contradiction but this is a wild island and it is a civilised and safe democracy. We need to be careful not to race too far ahead in the visitor economy and think that we can constantly blow up that balloon and constantly go for quantity of numbers over quality of experience. People who travel to this island should know that it is a privilege to be here. That is why we have argued for a visitor levy. We should be making some money out of visitors and reinvesting that money into our national parks, World Heritage areas and visitor infrastructure. We need a plan to deal with the growth in tourism numbers. We need to make sure that in our regions, in particular - I know the Premier agrees with this - we are distributing the visitors and we are also sharing the wealth.

The week before last we were up in Deloraine and I was talking to a local bed and breakfast operator. We started talking about all the visitors who are coming to the south and this lady said, 'Well, we don't see much of that up here. We have no problem with numbers up here'. In the south of the state in and around Hobart people are becoming increasingly aware of the rapid growth in numbers, yet up in beautiful Deloraine it has barely even begun to make an impact on their perception of visitor numbers.

Ms White mentioned biosecurity as threat to the brand. We have a reputation nationally and internationally for our clean and green produce, and for the quality of our produce. We need to invest in biosecurity so we can protect our reputation for cleanliness and purity. I call on the Premier to make sure there is increased investment in Biosecurity Tasmania in future budgets, because it is a critical part of protecting our brand.

Another threat to the brand is not so much about the environment or our cultural landscape, but governance and democracy. If you have good governance you have a much better capacity to protect the brand. If your governance framework is such that rapacious developers can come in and persuade the government of the day to allow them to build something, or log something or mine something in a manner that threatens the brand, that is not good governance. It does put the brand at threat when you have too close a relationship between private business and the government of the day coupled with the lack of a settlement strategy for Tasmania, the lack of a long-term vision for what we want for this remarkable, beautiful island.

At a social level we have a reputation among not-for-profit organisations, advocates, for example, for humanitarian entrants, we have a reputation for the most remarkable culture of community. We give more per capita than any other Australian state or territory and we are the poorest. Tasmanians have big hearts. Our culture of community, our friendliness is integral to our brand and it is integral to people's perceptions when they come here.

I remember 30 years ago coming down from Queensland, where people get hot and they get a bit uncomfortable and they get grumpy and everyone is sour so often, and coming here and walking into a shop and the lady behind the counter going, 'Hello lovey, how are you today, are you having a good day?' I remember ringing my mum up one night after that saying, 'Mum, everyone down here is so friendly'. That has not changed. We have a culture of generosity of spirit, of acceptance, inclusion and kindness, and we need to protect that. Associated with that is social inequality. We must do more as a state and as a parliament to tackle the causes of social inequality to make sure that those positive economic benefits that come from the strength of our brand are shared.

At the moment, there are people who are suffering, people who are living below the poverty line, people who are wholly dependent on income support, who have no chance of getting meaningful employment, people who are missing out on a quality education, on access to transport and services. As we embark on this journey of nurturing and strengthening the brand that will strengthen our economic future, we must make sure that we are looking after people as well. The brand relies on us being regarded not only as a place that looks after its natural treasures but as a place that looks after its people.

I pay tribute to some other champions of Tasmania's brand. I pay tribute to the photographer Olegas Truchanas. Olegas Truchanas was one of the first great photographers who went into Tasmania's wilderness and captured the essence of something you will not find anywhere else on Earth and shared it with the world. For many Tasmanians who had not had the opportunity to experience the wilderness, Olegas Truchanas gave them the first window into this remarkable place on our doorstep.

Bob Brown, the Franklin River campaign; Christine Milne, the Wesley Vale campaign; Peg Putt, defending always Tasmania's forests; Geoff Law, one of the earliest founders of the Wilderness Society and a relentless champion for wild Tasmania.

Richard Flanagan, who was reviled and derided for his passion, is an incredibly articulate advocate for Tasmania's forests and for its wilderness, who we can all embrace as a Man Booker Prize winner. He is one of the great authors of the world and has contributed so much to the brand but also to that reputation that we have for creativity and innovation for remarkable artists, story tellers, theatre. The arts and culture environment in Tasmania again contributes to our brand.

I pay tribute to Tasmania's Aboriginal people who not only looked after this place for tens of thousands of years, but have stood alongside the conservation movement to protect the Tasmanian forests and the wilderness.

To Vica Bayley, to the Environmental Defenders Office, the Tasmanian Conservation Trust. So many people over such a long time who have recognised the need for Tasmanians to stand up when it is necessary to defend what sets this island apart from every other place on the planet.

The evolution of the bill has been pretty special. We got hold of the bill -

Mr Hodgman - 17 October.

Ms O'CONNOR - Tabled on 17 October. We went through it and identified areas in which it could be strengthened. We recognised that it was fundamentally good legislation but it could be strengthened. Staff from the Department of Premier and Cabinet have done so much work in delivering the building Tasmania's brand audit, which was delivered on 27 January and working up this legislation, which will take Tasmania's brand forward.

I thank everyone from your agency, Premier, who contributed to making this bill the best that it can be. It is really important that there is tripartisan support for the law that establishes the Brand Tasmania Authority. It is really important that the Greens in this place stand by the Brand Tasmania legislation. It has been great to have the Department of Premier and Cabinet work with us on some amendments that we believe will improve the bill.

I will not go through all the amendments because they have been foreshadowed. The first important amendment for which we hope to have the support of both parties relates to the functions of the authority, to make sure the authority advocates for the protection of the attributes on which the Tasmanian brand relies.

We were annoyed and disappointed when we read clause 10 of the Brand Tasmania Act to see that, under the Board of Brand Tasmania, the qualifications and experience of those who would sit on the board did not include people who were part of the movement that had defended the attributes that underpin Tasmania's brand. That is, the environment movement, heritage specialists and people who understand natural resource management. We have a proposed amendment that would ensure, at least in part, those skills are on the board authority and it will make the authority do better work.

There are a number of other amendments we can go through in the Committee stage. We have had the assistance of the Office of Parliamentary Counsel to prepare these amendments and it has been excellent. The last amendment is very important and goes to the content of the annual report issued by the Brand Authority. We have an amendment we believe the Premier and the Government agree with, that the board must include the following information and documents in the annual report, including a statement on any developments the board considers may pose a significant risk to the reputation of the Tasmanian brand or may strengthen the appeal of the Tasmanian brand.

Mr Hidding - Let us go to Committee and do that.

Ms O'CONNOR - I know you are tired, you want to go nigh-nighs.

Mr Hidding - No, I don't. You are running all your Committee arguments now.

Ms O'CONNOR - I thought we could run the Committee arguments quickly. Surely, you did not think a Greens MP was going speak on a brand bill and it be over in five minutes. Everyone here needed a little history lesson on some of the attributes that underpin the strength of our brand.

Mr Hidding - I agree.

[8.58 p.m.]

Mr HIDDING (Lyons) - Madam Speaker, I will make a brief contribution, if nothing else to give the Premier a break from the place. No, it is more important than that. The last speaker is absolutely correct. The names she mentioned, all the people who are involved in their own way, contributing to Brand Tasmania is laudable. However, that might be mutually exclusive for those people to say that in their contribution to the Tasmanian brand that somehow these contributors are not of the same value -

Ms O'Connor - I did not say that. I was talking about my tribe.

Mr HIDDING - No, but in case a proposition is there, it is not true. There are people around Australia in Queensland, Darwin, Western Australia, Adelaide, Melbourne and Sydney who sit down to a feed of magnificent Huon Aquaculture ocean trout or Tassal salmon and talk about the brand Tasmania because they love it and they are changing their eating habits to include good, clean protein, well-produced, and that contributes to the Tasmanian brand. Many people contributed to this Tasmania brand.

Utilising my experience in this place, I congratulate the current executive director of Brand Tasmania, Robert Heazlewood, who is in the House tonight. He has been involved since 2002, and he is essentially Mr Brand Tasmania. He has been an absolute stalwart and it must have, in the early days, been seen as very hard work but I am sure in latter years he has been excited as to the direction of change.

For the last 10 years, Mike Grainger, has been the chair for the organisation. It must be nine or 10 years ago that I spoke to Mike Grainger on the telephone about something and he said, 'You would not believe it. Here I was, on some airline flying between Japan and Vancouver, and I drank the most magnificent water in the world. I drank Cape Grim water and it was the purest, the cleanest, the most beautifully presented water in the world'. I remember him saying that and how excited he was. I said, 'Grainger, you are flying first class, aren't you?'. He admitted he was up toward the front of the plane. But the point is he was so excited to find a Tasmanian product on an international airline, as good as it was. He would not stop talking about it. I realised then, what a powerful ambassador for Tasmania we had in Mike Grainger and Robert Heazlewood.

Tony Rundle, premier of Tasmania until 1998, became aware of and promoted the notion of Brand Tasmania. He launched Brand Tasmania. He said we needed a brand as a state and after the events of 1998, he was not able to go on with it. To the credit of Jim Bacon, he took it and ran with it. Jim Bacon looked at that and said, I cannot find any argument with that at all, this is a good thing for Tasmania, and he ran with it. Jim Bacon did a good job with the Brand Tasmania concept.

I found myself in places off the Tasmanian shores on a few occasions recently. I was able to hand out ambassador badges; there were gold and silver and I did not know who to hand what. I handed somebody a silver one and he ran into someone with a gold one. He said, what am I, chopped liver? I had to find a gold one to give to him. These ambassador badges and this beautiful stylistic badge of Tasmania are appearing around the world. People are wearing them and saying, hey, I am connected to Tasmania, I have a son there, I have lived there, log onto their website and understand Brand Tasmania, and people are doing that. It is a good thing. There is a sense of excitement. We definitely need a brand in Tasmania and we need to work that brand hard.

I attended a trade conference in my role as parliamentary secretary to the Premier. Australia is looking to rebrand itself with a brand. It is not that simple. There is a team of very powerful people sitting down to come up with something. Not everyone is going to agree with it but whatever they come with for Australia will be great. I said at the time, do not do anything that burns or effects our brand in Tasmania because ours is very special. They all agreed they would not do such a thing.

We need things to brand, we need great wines in Tasmania and we need to ensure we maintain a brand of Tasmanian wines. We need to maintain the brands of Tasmanian whiskeys. There is massive competition around the world. There are these things popping up all around the world but we have a run on them now and it will work. I have a mate who has invested his life savings on these things and he is selling his whiskey at $250 a bottle, hand over fist. I love him to bits but I would not pay $250 for a bottle of his scotch. The point is, people are paying $250 for a bottle of Tasmanian whiskey and it is magnificent.

I would like to express concern over the red meat industry. This is an example in which the industry does not necessarily have the best interests of Tasmania at heart. They want our beautiful meat but they do not want to brand it as Tasmanian meat because they would have to pay a bit more for it because of that brand. They may deliberately work behind the scenes to ensure the Tasmanian brand is in some ways put down; it is not in their interests, in the marketplace. They should look after their market but we should look after ours and there is a definite concern. I am not the minister for this area, so I will leave that up to the ministers involved. There is concern in the industry around the place for Brand Tasmania in this competing interest.

My congratulations to Mr Heazlewood who is here tonight to listen to this debate and to watch this bill go through with tripartisan support. Congratulations to him, to Mike Grainger and the entire board and the current staff of Brand Tasmania.

[9.05 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I want to make a small contribution. I have been listening to the comments from other members. I support the integrity of Brand Tasmania. I have heard members talk about the value of having a brand which is recognised throughout the world, throughout Australia, as particular to our state. It is important that brand is genuine and can be perceived to be credible by a whole range of people who make an active choice to purchase a Tasmanian product.

In that light I want to put on the record concerns that have been raised about the need to create environmental laws in Tasmania that underpin the functioning of the Tasmanian marine environment so that the Tasmanian salmon industry can claim genuine environmental protections, genuine environmental sustainability for their products, so that we can shore up the credibility of the brand in relation to clean and green because clean and green means something real. It means we have waters which are pure, waters which are functioning for a health ecosystem. It means that

people who are living outside Tasmania can feel confident when they purchase a Tasmanian product, that it is what it says it claims to be.

In these days of social media, information can unfortunately be transmitted all too rapidly when people have concerns about a product. In addition to this bill, this Government has within its ability to shore up our environmental laws because at the moment it is not doing what it needs to do to protect the marine environment, to give consumers a say and to give the community a say over the expansion of the salmon industry. Clearly you have a situation when key members of a scientific panel - key scientists - resign in protest because they believe the science and the report produced from that panel is not based on good science. What we are finding is that has an effect. It has an effect not just on the members of the panel who resigned, but it has an effect on the integrity of the claim for clean and green and for a sustainable marine environment.

I ask the Premier to really listen to the concerns of the Australian Marine Conservation Society which downgraded Tasmanian salmon from being on an amber alert to being a red flag so that the Sustainable Seafood Guide now says to Australian consumers, 'Don't not buy Tasmanian salmon'. We should all be really concerned about that. It is not good for our reputation as a state to have that red flag, and the red flag did not come from any other reason.

Ms O'Connor - It grew too fast.

Dr WOODRUFF - It is not good for our reputation as a state and to have that red flag, which did not come from any other reason other than this Liberal Government failing to put in place an independence over the management of the Tasmanian salmon industry so that the Macquarie Harbour ecological collapse that has occurred falls at their feet. The expansion that is happening into Storm Bay, the approval the Premier gave to Huon Aquaculture and Tassal, seemingly against the advice of key scientists on the marine farming panel, with a corrupted process that did not give the community and other stakeholders a say, and did not attend to the concerns of the Derwent Estuary Program about serious risks to the Derwent Estuary as a result of salmon farming in Storm Bay. Clearly this signals something. If the Premier is not listening, the Australian Conservation Marine Society is listening and it has downgraded Tasmanian salmon. This is something we have to act on. It potentially has effect on a whole range of other products exported out of Tasmania.

I conclude by saying thank you very much to Christine Milne and her visionary understanding about what clean and green could be. The Greens are calling on the Premier to act to shore up Brand Tasmania in the ways it needs to be done by creating laws that work to protect our environment.

Ms O'Connor - Hear, hear.

[9.12 p.m.]

Mr HODGMAN - Mr Deputy Speaker, I thank the members for their contributions to the debate, and indeed the support of all parties to what is a substantive piece of work that will indeed promote, protect and nurture our brand. As members who have spoken rightly said, it is an important subject that all of us feel an investment in and a responsibility for. I am very confident that this bill will support not only the objectives contained within it, but will also enhance what is undoubtedly one of our greatest assets, and has been for a long time, but is certainly increasingly seen not only by those who look at us from afar, but also those who live here. This bill seeks to capture that and very much the essence of what is Tasmania today and into the future.

I briefly want to thank the team that have helped develop this bill. Again, I acknowledge the extraordinary efforts of the Brand Tasmania council over a couple of decades. Mr Robert Heazlewood, who is here this evening, who I have often thought had done, and still does do, a tremendous job and is so invested and passionate and committed to our brand. He has made a remarkable contribution over many years, generously and with great commitment, that we recognise tonight as a parliament. Indeed we than those who assisted him, Mr Martin Turmine and others, who were previously part of a very small team with a very heavy responsibility, but have done an exceptional job in discharging it, and the board of directors currently led by the most enthusiastic and committed brand champion in Mr Michael Grainger and all those who have contributed their time to that.

I also want to thank the officers of the Department of Premier and Cabinet, who have been entirely thorough and supportive of the Government's policy objectives which we deliberately took some time to develop and to ensure that the foundations are very strong. It is an important piece of work and that has been beautifully reflected in the efforts of the Department of Premier and Cabinet. Can I acknowledge the director of policy, Ms Nell Grey, the manager of the Brand Tasmania Transition Project, Ms Jessica Radford, and senior policy analyst, Ms Sarah Marshall, for their exceptional efforts in the way they have engaged with me and my office and educating me in what this is really all about.

Members would be aware that I had a far more lengthy second reading speech that I might have delivered to capture the essence of the brand that is Tasmania but their understanding of that as well as the mechanics - which is what this bill is all about - is clearly very well-established and places us in good stead. Their interaction with Opposition and Greens' officers has also been important, as has the interaction between your staff and ours.

Ms O'Connor - Thank you for that. It has been a really good collaborative process.

Mr HODGMAN - It has been acknowledged there are some expert individuals in your offices who understand this subject and are passionate about it. It has been a very constructive engagement I am told between our offices. My thanks to them.

I acknowledge the Office of Parliamentary Counsel who have been very nimble in dealing with a number of amendments that have come forward and have been helpful in casting their critical eye over what has been proposed. It is necessary for government to ensure that amendments are properly considered by the expert team of OPC to make sure there are no unintended consequences or any matters that have not been fully considered. We have been determined to have this bill at least pass through this House this year. I wanted to avoid a situation where we were needing to have the matter sit within OPC or perhaps be subject to further debate and scrutiny in the upper House with matters that might be addressed and dealt with here today.

The OPC has been very responsive and helpful in ensuring that all the amendments that have been brought before the House and that will soon be considered in committee, have been checked off. My thanks to them also.

Ms White - It would be great to have OPC all the time for all the reasons you described to make the passage of legislation better.

Mr HODGMAN - It certainly does assist. Despite having a number of portfolio responsibilities, I do not often have responsibility for taking a bill through this place given the nature

of my portfolios. I have enjoyed the experience as well to get an insight into how we can improve interaction between all parties to get to a point where each and every one of the amendments on this bill that have been proposed by the opposition parties this evening will be supported by the Government.

There may be additional amendments proposed in the other place. That is entirely appropriate. It would not always perhaps be as simple as this instance but it has been possible for us to look at what I would say are genuinely good pick-ups by the opposition parties. All have been adopted and there will be one of our own which deals with a relatively minor drafting error. It is a good sign of collaboration, cooperation and a willingness to take on board all perspectives and what are genuine improvements to what is a very sound piece of legislation but will now be better for it.

My thanks to both opposition parties for their contribution and their understanding for having this bill sit for an extra day before the debate this evening, albeit at a relatively late hour to move through it and to deliver on what it promises. I am sure it will be a very strong foundation to support all of the motivations and the objectives contained within the bill which have been captured in the debate this evening.

I thank all members for their support.

Bill read the second time.

BRAND TASMANIA BILL 2018 (No. 46)

In Committee

Clauses 1 to 7 agreed to.

Clause 8 -
Functions of Authority

Ms O'CONNOR - Premier, am I correct in assuming you already have a copy? I think you have the old copies. These are the ones prepared by Parliamentary Counsel.

Mr Hodgman - There were some circulating and I might have left them over there.

Ms O'CONNOR - There you go. Mr Deputy Chairman, I move -

That clause 8 be amended by:

Clause 8

Page 8, subclause (1) after paragraph (a)

Insert the following paragraph:

(x) to advocate for the protection of the attributes on which the Tasmanian Brand relies;

Premier, this is a really important part of the work of the authority. They should not just be there to promote the Tasmanian brand but they need to be able to advocate for the protection of Tasmania's brand, along with the other functions of the authority. These are to strengthen Tasmania's image and reputation, enhance the attractiveness of Tasmania as a place to live, work and study and all of those other functions of the authority. We believe this amendment, which has been developed in our office and improved or finessed by the Office of Parliamentary Counsel is an important part of making sure the authority is empowered to take that protective and nurturing role that the brand needs. I commend the amendment to the House.

Amendment agreed to.

Ms WHITE - I move -

That clause 8 be amended by:

Page 9, subclause (1) paragraph (c)

Leave out the paragraph.

Insert instead the following paragraph:

(c) to identify risks to the reputation of the Tasmanian Brand and to develop mitigation or contingency plans in relation to that risk;

As I explained in my speech on the second reading the reason for this change was to ensure that the authority is not required to manage risks but instead identify those risks and then work to ensure the reputation of the Tasmanian brand is upheld by dealing with the relationships that it has with key stakeholders.

It is simply an amendment to protect the authority from the expectation that it has the ability to manage risks, given that it really does not have any powers to do those things. I expect that it still needs to be able to function to identify where those risks exist and manage the relationships it has developed to uphold the reputation of the Tasmanian brand. I commend the amendment to the House.

Ms O'CONNOR - Briefly, on the amendment. We support the Leader of the Opposition's amendment. In a perfect world if we were drafting this amendment ourselves it would be to identify risks to the integrity of the Tasmanian brand, which threatens its reputation. I will simply make that point and indicate that we will support the amendment.

Mr HODGMAN - Mr Deputy Chairman, I thank the members and the member who moves the amendment. It will be supported by the Government. It is critical to the success of the brand. The Tasmanian brand is the management of reputational risk and early identification of brand risks and the development of mitigation or contingency plans can help us to respond early and hopefully minimise the damage to the brand. We have had recent examples that have threatened our brand, including the bushfires in our wilderness world heritage area, Pacific oyster mortality syndrome, the fruit fly and our hope and expectation is that the new authority would reflect on these challenges and use lessons learned to inform its strategic plans. We support the amendment.

Amendment agreed to.

Clause 8, as amended agreed to.

Clause 9 agreed to.

Clause 10 -
Board

Ms WHITE - Mr Deputy Chairman, I seek to amend subclause (1), paragraph (c) -

Leave out the paragraph and instead insert the following paragraph.

(c) two persons -

(i) one of whom is a State Service Officer; and
(ii) one of whom is nominated by Tourism Tasmania;

This ensures that the board of Brand Tasmania can continue to hold true to its origins that it was established by the private sector and that there are not too many public servants on the board. I respect that there needs to be coordination between what Tourism Tasmania is doing and the Brand Tasmania board is doing. By allowing Tourism Tasmania to nominate somebody to sit on the Brand Tasmania board rather than be somebody employed by Tourism Tasmania they still have that cross over. It allows them to appoint somebody who is a private sector board member on Tourism Tasmania, as an example, or it might be an employee of Tourism Tasmania. It is not limiting it in that manner. We already have a Tourism Tasmania board with the primary purpose of promoting tourism in Tasmania. Brand Tasmania board has a different focus and purpose so this ensures it is not too heavily weighted to tourism at the expense of all the other very important things that the board needs to be focused on.

I commend the amendment.

Ms O'CONNOR - We are prepared to support the amendment. I will pick up briefly on the last matter that the Leader of the Opposition raised. We do not want this authority to be too heavily weighted towards tourism. The brand is about so much more than tourism. While we will accept the amendment in the spirit of goodwill and cooperation, we believe within this skill set described for the board there is the capacity for someone from the tourism sector, place branding and public diplomacy, trade and exporting from Tasmania, industry development, brand marketing and communications and on it goes. I agree that you do not want an authority like this to be too top heavy with members of the State Service. It does need to be a mix. If we can be sure that Tourism Tasmania will make the right choices, which we cannot necessarily, but we are prepared to support the amendment.

[9.29 p.m.]

Mr HODGMAN - The Government will support the amendment. We believe it strikes an appropriate balance with the skills base of the board as the critical point of reference. Capturing key perspectives and inputs into the board will be critical. While we are not inclined to make it too top heavy, nor indeed to have too heavy a tourism bent into it, it is a really important opportunity to ensure that somebody with a tourism perspective is integrated, because in my experience there has too often been a disconnect between the work of Brand Tasmania and Tourism Tasmania. While they have very different needs and objectives with branding, it is important that they are in sync to ensure some consistency.

Tourism Tasmania will always need to run its own race and have a very specific branding that changes regularly and often in response to changing market demands. That will be a healthy input as will be having somebody with experience relating to heritage conservation, environmental conservation and natural resource management. It can be said that a person with that perspective from that skills base could sit within a Brand Tasmania board. That is an example of a good pick-up. I am happy to support both amendments.

Amendment agreed to.

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

On page 13, subclause (3), after paragraph (d) -

Insert the following paragraph:

(da) heritage conservation, environmental conservation and natural resource management;

The amendment is self-explanatory. The reason we raise this as an issue is that the original makeup of the board required most of these skill sets and I will run through them quickly. Place branding and public diplomacy, trade and exporting from Tasmania, industry development, brand marketing and communications including research and digital technologies, community engagement, corporate governance including finance, accounting and strategic planning, legal and commercial skills, public sector administration. The big green elephant in that list was to make sure the authority had people representing heritage, both natural and cultural, on the board, and natural resource management.

I am pleased this amendment has been taken on board. It occurred to me, Premier, when you were talking before about how good it has been to have a collaborative process that if this bill had come through the parliament in the last term it would have gone up to the upper House in the wholly deficient state that it was before we started this collaborative process about improving it. It is a mark of how good a finely balanced parliament can be for making sure you get good legislation through parliament.

I will read into the *Hansard* a set of words that has come off the Brand Tasmania website to reinforce the case for having people with natural conservation and heritage management skills. The Brand Tasmania 20 years of brand stewardship website states:

> Tasmania, the island state of Australia, lies 40 degrees south of the equator. An archipelago of more than 334 islands in the temperate zone of the southern hemisphere, it is a land of dramatic coastlines, rugged mountains, spectacular wilderness and sparkling highland lakes.
>
> Tasmanians breathe some of the world's cleanest air and can enjoy rainwater of extraordinary purity. Pristine coastal seas and rich, fertile soils enable them to produce the finest foods.
>
> Tasmania is an island of difference. Its people are resourceful; applying the kind of creativity that arises from geographical isolation to their business activities, scientific research and artistic endeavours.

Hear, hear. I commend the amendment to the House and am extremely glad these skills will be part of the authority in the future.

Mr HODGMAN - As I have alluded to, we will support this amendment. I make the point only that the provision we are discussing does relate explicitly to a skill set: the qualifications, experience and expert knowledge required to be part of the Brand Tasmania board. There is no argument, for any sensible Tasmanian, as to the importance of the heritage, environmental and natural resource management attributes so central to our brand. Not to have included them in that list was only because it was a qualifications skill set to be articulated. Some might think they are a relatively dreary bunch of skills but they are important to good governance. I am looking at legal and commercial, which are very important but no less are heritage, conservation, environmental conservation and natural resource management skills. Their earlier omission was not to reflect that those brand attributes are not very, very important to what our brand was and always will be. I am very pleased to support the amendments and to enshrine that skill set into the future operations of Brand Tasmania.

Ms WHITE - Labor supports the amendment.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 -
Responsibilities and powers of Board

Ms O'CONNOR - This clause 11 is on page 13 after subclause (1). Mr Chairman, I move -

That clause 11(1) be amended by inserting the following subclause -

(x) In exercising its responsibilities and powers, the Board is not to favour any individual, organisation, business or industry sector and must consider the impacts on all relevant parties and the Tasmanian Brand more broadly.

Mr Chairman, we believed it was important this be made explicit in the bill so that, from its establishment, the authority recognises it is not to do what government and government agencies have done at various times in Tasmania's history. That is, to sink all their faith, often public resources, into one industry or another, one particular sector of the economy or another. This authority, in acting to nurture and promote Tasmania's brand, has to do so for all our primary producers, our fine food and wine makers, and our tourist operators. This authority must act for all and not play favourites with forestry sectors as governments have done in the past, or the fish farming sector, or rampant tourism growth that is not carefully managed. We hope this amendment has the support of the House because it is an important responsibility and power of the board that must be articulated within this act.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clauses 12 to 15 agreed to.

Clause 16 -
Ministerial statement of expectations

Ms O'CONNOR - Mr Chairman, I move -

That clause 11 be amended by inserting after subclause (8) the following subclause -

(9) The Minister must consult with the Board in preparing a Ministerial statement of expectations and any amendment or revocation of a Ministerial statement of expectations.

In an ideal world, we believe the Brand Tasmania authority would be a truly independent statutory authority and report to the parliament. We are realists. We are dealing with legislation that allows the minister of the day to set out expectations to the authority. In an ideal scenario, the minister of the day will have a deep insight and understanding of the brand and an awareness of the risks and the threats to the integrity of the brand but that is not always going to be the case. We believe this bill establishes the authority as, in some ways, a creature of government and the minister who sets out expectations for the authority needs to engage with the authority, the board, in developing that ministerial statement to ensure it is sound and has the strengthening and nurturing of the brand at its foundation.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clauses 17 to 24 agreed to.

Clause 25 -
Annual reports

Ms O'CONNOR - Mr Chairman, I move -

That clause 25 be amended after (2)(b)(v) by inserting the following subparagraph -

(x) a statement on any developments that the Board considers may pose a significant risk to the reputation of the Tasmanian Brand or may strengthen the appeal of the Tasmanian Brand;

This clause relates to the delivery of the authority's annual report and what is in that annual report. In Tasmania in times past, for example, we had a state of the environment report that came out on a regular basis. I cannot remember when the last one came out. I am not putting that on you, Premier, but there should be a regular state of the environment report in Tasmania. In that state of the environment report, you would gain a pretty clear snapshot of healthy environments, risks to the marine and terrestrial environment, and steps being taken by government to manage those risks or to restore an environment. It was a very important document. We feel very strongly that the annual report issued by the authority must also provide to readers and the parliament a snapshot, if you like, of the state of the brand at that time. We think that may be one of the most

important things to be included in the annual report apart from well-audited books. We commend the amendment to the House.

Mr HODGMAN - We will support the amendment. It may be argued by some that it is not necessary because you would hope and expect these things would be captured in contemporary reporting, such as the risks and the opportunities or the ways the appeal of the brand might be strengthened. These can be captured and this amendment will ensure they are.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26 -
Offences

[9.45 p.m.]
Ms O'CONNOR - Premier, we initially had some concerns with this clause because it seeks to prohibit any business to use the words 'Brand Tasmania' and 'Tasmanian Brand'.

At the briefing we came to understand that someone recently bought the domain name of Brand Tasmania which is a small marketing disaster. In the scheme of all the things that are happening in Tasmania and the world, it is alright. Premier, there is a capacity in the legislation to prohibit the use of other names associated with Brand Tasmania or the Tasmanian brand by regulation. We are seeking some clarity about how far that process might be able to reach.

There are protections in the legislation now for the two critical terms 'Brand Tasmania' and 'Tasmanian Brand' not to be used by a trading entity or a business. What other terms associated with the brand can you foreshadow being prohibited from use by regulation? We are a bit concerned that there could be a creep of preventions by regulation on people using the term 'brand'. You know what I mean?

Mr Hodgman - Yes. Are you worried about other people using the term?

Ms O'CONNOR - We are worried about freedom of speech, Premier. You do not want to prevent people from talking about, talking up, embracing, defending Brand Tasmania or the Tasmanian brand.

Could the Premier provide some reassurance to the House on what other terms or extensions of those terms he can foreshadow being prescribed by regulation because (c) says a 'prescribed expression' which gives the government of the day the authority to set regulations that prevent the use of further terms that capture those words.

Mr HODGMAN - I thank the member for the question and note the member's initial point that has been understood to be a matter that does not present any legal impediment. The authority may use the name 'Brand Tasmania' to which you initially referred -

Ms O'CONNOR - And the Tasmanian brand?

Mr Hodgman - Yes. In relation to that prescribed expression, it is not dissimilar to an arrangement that exists under the Tourism Tasmania legislation. It is designed to do nothing in this

instance other than to allow the authority perhaps to make a decision or take a position and not for the government by regulation. Certainly not mine. I cannot imagine, nor can my advisers think of a circumstance that might apply in the way you have described. It is allowing for the authority to make a decision in the future about what a prescribed expression may be and how it may use it.

Ms O'CONNOR - For the record, the Greens recognise the importance of this provision in the legislation and we are not taking away from that at all. We recognise that you need to protect Brand Tasmania and the branding that is Brand Tasmania from unscrupulous companies that might seek to unjustifiably leverage off the brand. I hope you did not take that as any sort of criticism of the clause.

Mr Hodgman - No.

Clause 26 agreed to.

Clause 27 to 30 agreed to.

Schedules 1 to 3 agreed to.

Schedule 4 -

Mr HODGMAN - Mr Deputy Chairman, much to the chagrin of the conscientious, diligent officials to whom we have previously referred, there is a drafting error that requires correction, albeit hardly fatal to the operations of the bill or indeed Brand Tasmania, but I move -

To amend Schedule 4 by:

Clause 2(1) after 'was vested in'

Leave out 'the trustees of'

The reason it has occurred is that in previous instances it has been a phrase attached to a similar provision, but it has no relevance to Brand Tasmania and its operations, so I want to correct that drafting error.

Amendment agreed to.

Schedule 4, as amended, agreed to.

Schedule 5 agreed to and bill taken through the remaining Committee stage.

Bill read the third time.

The House adjourned at 9.54 p.m.