PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 10 November 2022

REVISED EDITION

Contents

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

QUESTIONS ON NOTICE

Midwives in Tasmanian Hospitals

Marinus Link Funding Arrangements

[11.02 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, it is my pleasure to deliver two answers this morning. I have an answer on question No. 2 on the Notice Paper for the member for Hobart regarding midwives working in Tasmania's four major hospitals. The other answer is for question No. 5 on the Notice Paper from the member for Murchison with regard to recently announced funding arrangements for the proposed Marinus Link.

2. MIDWIVES IN TASMANIAN HOSPITALS

Mr VALENTINE asked the Leader of the Government in the Legislative Council, Mrs Hiscutt:

With regard to midwives working in Tasmania's four major hospitals, can the Government please provide the following details for each hospital:

(1) total number of birthrate plus hours worked in core midwifery in the past three months and the number of those hours worked by midwives;

(2) number of vacancies within the midwifery group practice (MG) teams in July 2022 and the percentage this represents of the whole of the nursing workforce vacancies for the hospital for the same period;

(3) number of student midwives currently practising in the maternity unit and of those, the number of students paid for their first year of clinical placement hours;

(4) actual number of midwifery resignations in the past three months, and the percentage this represents of the midwifery workforce in the hospital;

(5) COVID-19 leave statistics for midwives for July 2022; and

(6) number of backfilled midwifery positions for July 2022?

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I seek leave to table the answers and have them incorporated into *Hansard.*

Leave granted.

See Appendix 1 on page 63 for incorporated answer.

5. MARINUS LINK FUNDING ARRANGEMENTS

Ms FORREST asked the Leader of the Government in the Legislative Council, Mrs Hiscutt:

With regard to the recently announced funding arrangements for the proposed Marinus Link:

(1) What was the date of the business case that has guided this decision-making;

(2) Has the business case been updated recently to factor in:

(a) rising costs of materials;

(b) availability of materials;

(c) rising costs of labour; and

(d) availability of labour;

(3) For the following time frames, identified separately, that is over the short, medium and long term (i.e. 10 years plus), will the proposal serve the best interests of Tasmania with regard to:

(a) the impact on Hydro Tasmania, financially and operationally;

(b) TasNetworks and the island transmission network;

(c) the impact on major industries (MIs) through the regulatory process;

(d) power prices for residential customers;

(e) wind energy including power offtake agreements; and

(f) hydrogen power?

(4) (a) Has a full risk assessment been undertaken for all stakeholders including:

(a) Hydro Tasmania;

(b) TasNetworks;

(c) major industries;

(d) residential customers;

(e) commercial customers;

(f) hydrogen energy proponents;

(g) other renewable energy generators; and

(b) if so, will these risk assessments be made public; and

(c) if not, when will this occur?

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I seek leave to table the answers and have them incorporated into *Hansard.*

Leave granted.

See Appendix 2 on page 67 for incorporated answer.

LEAVE OF ABSENCE

Member for Prosser - Ms Howlett

[11.03 a.m.]

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

> That the member for Prosser, Ms Howlett, be granted leave of absence from the service of Council for today's sitting.

Leave granted.

STATEMENT BY PRESIDENT

Chamber Cooling System

[11.04 a.m.]

Mr PRESIDENT - Before I call on orders of the day, it is convention that the male members of the Chamber wear jackets. We have an issue with our cooling system and if male members feel they are too warm - and likewise females but they are not bound by the same convention - please feel free to remove your jacket if it does get uncomfortable.

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2022 (No. 29)

LEGAL PROFESSION AMENDMENT BILL 2022 (No. 45)

Third Reading

Bills read the third time.

SUSPENSION OF SITTING

[11.05 a.m.]

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

That the sitting be suspended until the ringing of the Division bells.

This is for the continuation of our briefing.

Sitting suspended from 11.05 a.m. until 11.51 a.m.

MOTION

Draft Proclamations Nature Conservation Act 2022

[11.52 a.m.]

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

That the Legislative Council -

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

(2) Recognises that these proclamations:

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

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

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

(d) ensures that the FPPF land once reserved under the Nature Conservation Act 2002 (NCA), will result in the NCA, NPRMA and TWWHA Management Plan 2016 having statutory effect over the land.

Mr President, the purpose of the current statutory rules process before parliament is to reserve future potential production forest land (FPPFL) within the Tasmanian Wilderness World Heritage Area (TWWHA) as formal reserves under the Nature Conservation Act 2002 (NCA).

These statutory rules were tabled in parliament by the previous minister for Parks, Mrs Jacquie Petrusma, on 2 June 2022. Since that time, further advice has been received that an affirmation notice of motion is required to seek approval from both Houses in accordance with section 18 of the Nature Conservation Act. In addition, for the purposes of removing all doubt following the proroguing of parliament, the statutory rules have also been reintroduced as part of the new session.

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

As the Council would be aware, this current process began as a result of outcomes from the 2011 Tasmanian Forests Agreement, where areas of Crown land adjacent to and outside of the then-TWWHA boundary were identified for reservation. This subsequent decision of the Australian government in 2013 was that the TWWHA boundary should be expanded to include these parcels of land. While recommendation 11 of the 2015 Reactive Monitoring Mission to the Tasmania Wilderness requested that FPPFL be granted status of a national park, a subsequent decision of the World Heritage Committee in 2021 advised that the FPPFL should be designated as reserves.

In June 2021, the World Heritage Committee reiterated its request to the state party, being the Australian Government, that the process to declare these areas as reserves within the TWWHA be finalised as a matter of priority. This decision is publicly available on the UNESCO World Heritage Convention website under the Resolutions/Decisions section.

I can confirm that the Australian Government wrote to the World Heritage Centre in April 2022 to advise that the proposed reservation of the FPPFL within the TWWHA was currently subject to a statutory process within the Tasmanian Parliament and confirmed that the centre will be advised when this reservation process is complete. We are delivering on this commitment following a public consultation process that was undertaken between February to April 2021. This process was timed to ensure that the previous COVID-19 restrictions did not impact the opportunity for people to visit these lands in person during the consultation period should they wish.

The Department of Natural Resources and Environment Tasmania has undertaken extensive scientific evaluations of the FPPFL and these evaluations are publicly available on the department's website. These investigations indicated that while the FPPFL is

predominantly in a natural state, many of these parcels of land also display evidence of past land use practices such as selected timber harvesting that predate the World Heritage listing.

For this reason, these areas are more closely aligned with the values prescribed for conservation areas and regional reserves, rather than national park status in accordance with schedule 1 of the Nature Conservation Act 2002. In addition, by attaching these land parcels to adjoining conservation areas and regional reserves, the current objectives and land use enjoyed by many within the existing reserved classes remain the same.

The current Mole Creek Karst National Park consists of 12 separate blocks of land that are established to protect an internationally significant karst system containing an extensive landscape of caves, sinkholes, gorges, streams and springs. Following the 2021 public consultation process and further scientific evaluation of approximately 2850 hectares of FPPFL adjacent to the existing Mole Creek Karst National Park it was identified that these areas play a critical role in protecting the unique and world-renowned caves at Mole Creek, as well as having significant values themselves. This resulted in these parcels of FPPFL being identified as clearly meeting the criteria for a national park as prescribed in the Nature Conservation Act 2002.

The proclamation before both Houses will deliver an important expansion of the Mole Creek Karst National Park. This Government values the commitment that was made to the World Heritage Committee and the work of the department to deliver this important body of work.

We will continue to deliver on our commitments, not only to the WHC but also to this globally significant landscape for both current and future generations. The statutory rules tabled in both Houses of parliament seek to put this priority and commitment into effect. To be clear, the proclamations before parliament and the return of more land to the Tasmanian Aboriginal people are completely separate matters. The process of land return to Tasmanian Aboriginal people is achieved through a sperate mechanism.

It is important to note that while the FPPFL land is protected from mining and forestry activities in accordance with the policy positions outlines under the TWWHA Strategic Management Statement, the land still remains subject to the Forestry (Rebuilding the Forest Industry) Act 2014 until such time as it is given reserve status under the Nature Conservation Act 2002.

In accordance with section 48 of the Forestry (Rebuilding the Forest Industry) Act 2014 the management entity cannot sell, transfer or convey this land to any other person. In accordance for any other management arrangements for this land to apply, this land must first be converted into reserve class in accordance with the Nature Conservation Act 2002. This is a point of law, not policy.

Another important factor for consideration is that the TWWHA Management Plan is formulated under the National Parks and Reserves Management Act 2002 and is a statutory management plan that applies to reserved land within the TWWHA. As the FPPFL within the TWWHA is unreserved public land, it is primarily managed through the TWWHA Strategic Management Statement. In order for the TWWHA Management Plan to have statutory effect over the FPPF land, it must first be reserved through this current proclamation process. As stated, this process will deliver reservation under the Nature Conservation Act 2002 and ensure

that the TWWHA Management Plan 2016, the Nature Conservation Act 2002, and the National Parks and Reserves Management Act 2002 have statutory effect over these areas.

To be clear, this land is already within the TWWHA. The TWWHA boundaries will not change as a result of these proclamations. To put it simply, this is a parliamentary process that must be undertaken in order to deliver on our commitments and reserve this land in the TWWHA under the Nature Conservation Act 2002.

The Government looks forward to the parliament's support for this proclamation process, and delivering on this longstanding and important commitment that has been made to the World Heritage Committee, and more broadly, that supports the effective management and protection of the globally significant Tasmanian Wilderness World Heritage Area.

Mr President, in light of your email last night about standing order 96, I have decided I will now come back to the lectern to speak.

Mr PRESIDENT - At least somebody read it.

[12.02 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on this allowance motion. Members would be aware that when these proclamations were tabled, I moved a disallowance motion, which we have yet to debate, on those proclamations. In effect, what we are doing today pre-empts that, and will settle the matter.

This is an interesting matter for us to discuss. Under normal circumstances, I would likely be very supportive and pleased to see proclamations to reserve parcels of land in this state. I would not have any particular issue with that occurring.

The situation with some of these particular parcels of land is quite unique, however. When it was drawn to my attention, I had to think about it differently, because of the element that relates to the return of Aboriginal land and how that is being progressed - or not - and also how that is being managed in an ongoing way, and how well we are delivering as a state.

It is relevant here. We have all received the communications that are outlined in this, so forgive me for going through some of it; but I want some of it on the record. We know that land return to the Tasmanian Aboriginal community has stalled. It has been many years since any land has been returned. We know that there was quite an optimistic glimmer of hope in the 2021 Premier's Address delivered by the then premier, Mr Gutwein. He said, quite explicitly that:

> Last week I committed to receive and consider proposals for a further land return. I will be clear: this Government is committed to taking significant steps on our path to reconciliation and also, importantly, to taking significant steps to ensure we improve the lives and circumstances of our First Peoples.

That was a laudable statement to make at the time. It fitted in with the leadership that the then premier, Mr Gutwein was showing on the issues related to Aboriginal Tasmanians and healing our relationship with them. Members will be well aware that it was Mr Gutwein who also asked Professor Kate Warner and Professor Tim McCormack to undertake the work that produced the Pathway to Truth-Telling and Treaty Report.

Here we are in November 2022, debating this with some resonance about Aboriginal land return issues when that Pathway to Truth-Telling and Treaty Report was tabled a year ago. It was 25 November last year when the report was tabled and recommendation no. 12 in that report specifically points towards consideration of the kooparoona niara national park area or reserve area of some sort for the Aboriginal community. We have some flow-on from some important work that was being done under the leadership of the then premier, Mr Gutwein towards these matters.

I note that we have not heard an update on that Pathway to Truth-Telling and Treaty Report since its tabling 12 months ago. It would be timely on the 12-month anniversary of its tabling this month to have some form of update from the Government. I hope to see that come forward. I have suggested to the Premier that it would be appropriate to hear about progress made.

Back to this matter. The Aboriginal community clearly felt quite heartened by Mr Gutwein's comments in the Premier's Address in 2021. We have heard the Aboriginal Land Council of Tasmania wrote quite promptly to Mr Gutwein on 31 March and made a formal submission in relation to land relating to the kooparoona niara national park area and proposing that it could be the first iteration of a new form of land tenure in this state, an Aboriginal national park. That is quite an exciting proposal, in line with many recommendations about where land return could be heading in this state and the many benefits that could come from considering that new land tenure.

In response to that direct invitation from the premier, the Aboriginal Land Council acted and wrote and then heard nothing. How incredibly disappointing. What an incredible failure to live up to the promise of what you have put into the public domain in such a consequential speech as the Premier's Address, to hear nothing. The Aboriginal Land Council and the Aboriginal community in Tasmania as a whole are patient people but they then wrote a follow-up letter, again to the then premier, Mr Gutwein, and still nothing.

A third letter was written to the Premier who was then Jeremy Rockliff; still no formal response or reply or invitation to discuss or engage with the proposal put forward by the Aboriginal Land Council. It is extraordinary to me and it cannot be interpreted in any other way than as a rude rebuff. When an invitation has been made to discuss something and efforts have been extended from one side to then have no response, it is an incredibly rude situation where we would see that from the Government of this state. I am disappointed that it occurred.

Much as we hear now, today in our briefings from the minister, words from the Government about a commitment to progressing Aboriginal land return and matters to do with land management in partnership with the Aboriginal community, we hear the words but when we look to the actions there is nothing there of substance. There is rudeness in ignoring formal requests from formal bodies established under statute. That is partly the important context in which we are now discussing these parcels of land and the proposal to put them into these particular reserve status tenures.

As we have discussed in our briefings, these are two separate matters to some extent. What might happen to progress the creation of a new land tenure and an Aboriginal national park in this state? What might happen to progress land return more broadly to the Aboriginal community, or what might happen to progress other models of partnership in land management with Aboriginal Tasmanians? What happens in those areas can and should continue to be

progressed and what happens about the reserve status of these parcels of land does not have to be directly relevant except for the fact that some of these parcels of land relate to a specific proposal put forward by the Aboriginal Land Council.

The perception would be, that if we go down the path of these proclamations and make these reserves as detailed in those proclamations, there will be much less likelihood that we will come back and revisit the tenure of those parcels of land.

It looks like you have put aside the proposal put forward. It looks like what we will do is sort out these reserve tenures and then take who knows how long, another two years, another three years, another 15 years. It has been close to 15 years since we had land returned in this state.

That is the issue, and that is why the Aboriginal Land Council has come to us to ask us, as a Chamber, to consider not passing this allowance, effectively keeping the status quo, so that there is a more active imperative to think about progressing this along the lines of the proposals put forward. We are given to understand that a number of proposals have been put forward for some areas covered by these parcels of land, including the Aboriginal Land Council's proposal for a national park.

Keeping the status quo actually keeps an imperative on the Government to continue to more actively pursue and progress how we deal with those proposals, and how we resolve and bring to a productive and positive conclusion the creation of new models whether it is national parks, other shared or partnership land management models. It pushes us to do that.

Whereas the idea of dealing with these parcels of land through these proclamations sort of puts them away to the side, and perhaps invites us to have them out of sight, out of mind, never coming back to them again. That is the feeling that is behind the requests that we consider not allowing these proclamations.

The water is a little muddied about it too, in terms of the arguments that have been put forward, as to why we must pass these proclamations now. We have heard from the Government that we have to pass these proclamations now. There is some urgency to it, so that we can meet our obligations, our shared obligations with the federal government to UNESCO and to the promises we made quite some time ago, back in 2015, when there was our state and federal government agreement to look at putting this land into reserve status of some sort.

We have dragged our feet on it. Here we are. It is now apparently super urgent, even though we have dragged our feet on it for seven years. Apparently, it is urgent because the federal government might stop funding us for those areas of land and more broadly, $5 million worth of funding. We have a five-year funding agreement. It is up for renewal and we have to ask for it to be renewed, and apparently if we do not pass this, it puts that in jeopardy. That is what we have heard, in the briefings from the Government.

Talk about scare tactics. What nonsense. If we were to say to the federal government, we have not put those parcels in reserves as per these proclamations. Here is the plan we have for how we are taking them forward to give effect to the promise we made to UNESCO and their recommendation, and to progress our relationship with our First Nations people, and to look to create unique and absolutely new and valuable land tenure, such as an Aboriginal

national park. Here, federal government, this is what we are doing to progress all those things and give effect to what we know are our commitments. Do you think the federal government is going to turn around and say, 'No, we are not giving you the $5 million'? Do you think they are? This is the federal government that has put the relationship with First Nations people front and centre during its campaign for government earlier in the year, and since it has been in government.

This is a federal government that has committed to a referendum to do with a Voice to Parliament at a federal level. This is a federal government that has a keen interest in our country as a whole progressing, in a positive way, its relationship with First Nations people.

Do you think if our state government says to them, 'Here is our very proactive plan to work with our Tasmanian Aboriginal communities to progress outcomes for First Nations people in our state and meet our long-ignored commitment to the UNESCO', do you think they are going to turn around and say, 'Well, we are not going to give you the $5 million now'? How ridiculous. We even heard that jobs would be at risk. That is scaremongering of the worst kind. Absolutely ridiculous. We could demonstrate we are working toward effectively meeting those commitments, if this Government cared to have a positive, proactive and actually accountable plan to progress these matters with the Tasmanian Aboriginal community more than they have been able to point to now.

The other thing we have heard is that in some sense, this is a necessary step towards achieving what we may ultimately want to see for an Aboriginal national park or some other form of partnership management. We have heard it is a necessary step because at the moment those parcels of land are covered by the Forest Practices Act. That does not let us do those things. I hope we have all had it made clear to us in the course of the briefings, but I reiterate, that is a nonsense. When the day comes, and it will come, that we go about creating a new land tenure in this state of Aboriginal national parks, we will have to have a legislative package that does that. We will have to create that through legislation.

As we know, often when you create something new in legislation, you also have to make adjustments to other legislation to accommodate the new things. There will often be a bill which has the new thing you are creating, then a whole range of amendments to other legislation that are consequential to that, to adjust matters relevant to other legislation. When that happens in this state, as it will, we will be creating a suite of legislation which can very easily have an amendment to the Forest Practices Act which takes away the control the Forest Practices Act currently has on areas like this, if we are intending to make them, say, a new Aboriginal national park.

Ms Forrest - It is Forestry (Rebuilding the Forest Industry) Act you are referring to.

Ms WEBB - Sorry, I may be referring to the wrong act, the Forest something, the one we have been told stops us that we need to do this for.

Ms Rattray - The 2014 act.

Ms Forrest - The Forest (Rebuilding the Forest Industry) Act, they are quite different.

Ms WEBB - Thank you, the one that we have been told is the reason we have to do this first in order to get ultimately one day to an Aboriginal national park tenure, which is rubbish.

When we are creating our legislative package to create an Aboriginal national park land tenure in this state, we will quite readily be able to deal with any other legislative matters that, at the moment, would preclude that happening. Of course, when we do that it is available to us. It is the Forestry (Rebuilding the Forest Industry) Act 2014. That was right there in front of me and I was not reading it properly.

Ms Forrest - If you were not here at the time you are not as traumatised as much as we are.

Ms WEBB - Thank goodness that was before my time. That trauma, I know, for others, is real. We have also had a few other spurious claims about the land and its value, whether it has national park values or not. At different times, different information has come forward about that. When claims are made that areas of this land covered by the proclamation do not meet the national park criteria, we were pointed to particular reports that were available on the department website.

Now, on examination of those reports, they say no such thing. Though, on further questioning, what we have now discovered through the briefings, is that it is actually consideration done by the department on a range of pieces of apparent evidence and information, including those reports, from which they have determined that certain areas of these parcels of land do not meet national park value criteria and have provided that evidence to the minister. I am sorry, I missed that, Leader, you might have to say it again.

Mrs Hiscutt - Based on the information provided.

Ms WEBB - Apparently so. Now, we know that departmental advice sometimes is put together in order to provide the answers we have been looking for in the first place. I am not suggesting that is necessarily what has happened in this case. However, there is not a piece of evidence that categorically says, here are the reasons these parcels of land do not meet national park criteria. We have not had that put before us. I am pointing that out. This is part of the pattern of putting to us a scattergun approach of slightly spurious reasons that we should be rushing these proclamations through and that we absolutely must do it. I consider those do not amount to a lot and can be readily challenged on most fronts - given that keeping the status quo and committing to pursuing an outcome that involves the Tasmanian Aboriginal community and considering proposals put forward is available to us as a course of action, and would be an imperative and a prompt to go forward in that way.

The Government received significant input when they consulted on these parcels of land and proclamations. A huge majority supported the idea of a national park and, explicitly, the return of the land to Aboriginal people in a new, Aboriginal-owned national park tenure. It is in the vicinity of 97 per cent of the submissions supported a national park, and many of those supported that new Aboriginal-owned national park tenure.

We have seen that the Government already has evidence that people want to see that go forward as an outcome, and not necessarily be put aside through this interim process which is unnecessary, when we could be making a much more active commitment to progressing that new, exciting tenure for our state.

Mr President, we have heard that there are competing claims on this land and that there will need to be a process of consideration about that at some point, if the Government chooses

to progress this. That is absolutely fine. That does not necessarily have any bearing on the decision right now, about the allowance - or otherwise - of these proclamations. The process which would need to be gone through with the Aboriginal community, and consulting with the broader community too, and looking at competing claims needs to occur, regardless of whether we do it now - proactively and positively - or at a later date down the track, which seems to be the Government's preferred option.

The Government will need to go through that process. I understand that if it is ultimately to involve land return, then the statutory body established to receive land return for the Aboriginal community is the Aboriginal Land Council of Tasmania. So, the proposal put forward from the Aboriginal Land Council of Tasmania would fit with the land return. They have proposed an Aboriginal-owned national park tenure to be created in that. Other models may not involve land handback. We do not have the details of those, so we cannot assess what is going to be required or if there is legislative change required for those models but, no doubt, they would need to be considered.

I imagine that the Aboriginal community needs to be right at the centre of that, working with the Government to help co-design, as we have heard what that might look like. I am concerned that, although we hear from the Government that they have a plan at some point to co-design the way forward with the Aboriginal community, we also have heard from the statutory body, the Aboriginal Land Council of Tasmania, that they have had 18 months of radio silence in response to direct requests and proposals.

It does not give us great hope that a co-designed process by this Government is either going to happen; or is going to happen at any prompt time frame; or involve the right level of interaction and consultation that co-design implies. The Government needs to provide a much higher degree of public commitment to this process in terms of time frame; how it is going to work; and responsiveness to the Aboriginal community, in the entreaties, communications and proposals they have put forward. We do not see it sitting there in the actions to date when we think of 18 months of being ignored.

Mr President, this is a tricky situation. We could pass these proclamations and have this allowance motion go through. Aboriginal claims of various sorts onto these parcels of land can continue to be considered. That could happen down the track. It does not preclude it, is the way it would be legally described.

However, given the tendencies that this Government have demonstrated to date, that is likely to mean ‘out of sight, out of mind’. That is a real shame. There is no harm in showing support for the Tasmanian Aboriginal community and for the Aboriginal Land Council of Tasmania; and saying let us keep the status quo, let us keep this an imperative on the Government to progress this in a more timely and respectful fashion. Let us get to the outcome we would all like to see, which is, I believe, a really well co-designed and exciting opportunity for our state to do better when it comes to land return and working with the Aboriginal community on land management. We can benefit from that, as a state.

I want to see this resolved in a positive and timely way, and I consider putting a stop to these proclamations tells the Government that it is time to do this. It is time to get this progressed in a much timelier fashion, and to work more actively than it has to date with the Aboriginal Land Council to move it forward.

In the interactions I have had with the Aboriginal Land Council of Tasmania on this matter, I am sad to hear that some of the information that has been made available to them because of the correspondence I have had with the Government, or because of being able to sit into the briefings that we have had on these proclamations, is vastly more than they have had access to before on this sort of matter. That proximate way represents vastly greater interaction with the Government than anything they have had in response to their formal communications. That is an indictment on the Government. It is incredibly disappointing.

We need to see a decision from this Government to turn that around; a decision to commit to progressing this. I want to know actual time lines. We know that the legislation relating to Aboriginal land is being reviewed, and the minister has indicated that it will come to parliament next year.

Ms Forrest - He did say the first half of next year, I thought.

Ms WEBB - First half of next year, yes. That is a step. After that occurs, proposals can be dealt with under the new legislation or the reviewed legislation.

That is good to hear. However, we know that commitments are made and not always met. So, I want to hear that very firmly from the Government, and a commitment that it will be resolved in a timely fashion. They can do that without these parcels of land being reserved through these proclamations. If we do not pass this allowance motion, it gives the message to the Government that we expect that to happen promptly.

I will leave it at that, Mr President. I know other members will have thoughts on this. I know it is a slightly convoluted matter, because there are sorts of tandem issues in train here. However, I hope that others will agree that it is a sign of support, and an indication of our expectation of the Government, if we do not allow these parcels of land to be reserved under these proclamations, and look for more active progress from the Government on land return to Aboriginal communities.

[12.29 p.m.]

Ms FORREST (Murchison) - Mr President, this motion has had an interesting passage - perhaps not in terms of the obligations related to such a move to alter the status of a piece of Crown land. The actions of the member for Nelson put a disallowance motion on and it became apparent the Government needed to move a positive motion and it had to be supported in both Houses. It does beg the question that if the member for Nelson had not put the disallowance motion on to focus the attention on it and then the period that elapsed and it had not received a positive motion as the Leader is seeking to move now, what would have happened? It would have fallen over and it would not have occurred as I understand it.

The Government should be thanking the member for Nelson in a roundabout way, forcing them to look more closely at the legislative requirements on these things.

I thank you for the two days of briefings we have had on this, one earlier to raise the general awareness of the topic and then today. Also the contribution of Vica Bayley and Rebecca Digney for raising the matters of general concern for the Aboriginal community in relation to their desire to see action on land handback, on recognition of Aboriginal people's connection to land, particularly in relation to this piece of land we are talking to.

It is broader than that. I concur with the member for Nelson's comments on the radio silence the Aboriginal community have had from the Government. I know how frustrating it is when I write to the Government and you do not get a response and you have to write again, but it usually only takes one attempt and then a text message reminder and you do get a response, not always the response you want. What has happened here is there has been no response and I agree with the member for Nelson, it is entirely rude and disrespectful.

Mrs Hiscutt - I will clarify that. There has been a response. Whilst summing up I will clarify it.

Ms FORREST - Okay, I will look forward to hearing that.

Mr Willie - There have been no responses from the Premier. There were letters addressed to both premiers, but other people from Government responded.

Ms FORREST - Let us see what the Leader has to say about that when she replies to the debate. At the start of every day we acknowledge the Aboriginal people's long and enduring custodianship of the land on which we meet, the whole of Tasmania and Australia. We do deserve to give them respect and acknowledgment as a body or group of people, and not to be responded to in a way they feel they are being respected - it is what we heard in the briefing today. We will hear from the Leader what she has to say about that.

It is entirely disrespectful for anybody. Our original inhabitants of this land deserve a significant level of respect. That said, I want to talk about the competing ideas here. I listened carefully to our representation in the briefing this morning and also to the Government in the discussions I have had previously and today. We seem to be a little at odds in our understanding. I go back to the member for Nelson's comments that it seems the people representing Aboriginal people here, in this case Rebecca Digney, probably heard more in the briefing we received than they have heard for some time on the process here, and why this process is undertaken, and it is disappointing. It is disappointing they had to turn up to a briefing for us to better understand the need for a positive affirmation for this process that we are dealing with here today to 'keep the door open'.

Most people can walk and chew gum at the same time. Some people cannot and they focus on one task at a time. Sadly, the review of the Aboriginal Lands Act has been under review for a long time. Yes, it is a big body of work and yes, it takes time to make sure we adequately consult on these matters. Yes, there are disparate views amongst the Aboriginal community. Yes, there are disparate views between non-Aboriginal members of the community on all of this. It is important to get that work right.

We know that currently there is no framework for an Aboriginal national park or some other reserved land that meets that desire of Aboriginal people. To do that takes a lot of work. Yes, I accept that takes a lot of work. It takes a lot of work to make sure that when you are bringing in new legislation, that all other legislation that links to that legislation is amended to reflect the change. Nobody is suggesting it is a quick and easy process. I certainly am not, and the important thing - the member for Nelson probably mentioned this too - it is important we get it right when you do it. However, we need to see progress on this.

I support Aboriginal land handback. We have an obligation to fully understand the desire, the connection to the land, a process that cannot make everyone happy, but can meet the needs of the majority and respect our original custodians. We should be looking at that.

As the member for Nelson referred to, there have been commitments made over many years around this. There are still challenges. I am not suggesting this is easy. We only have to look to the process on the referendum to be held with a Voice to Parliament. Even listening to podcasts and things related to that, the call for equal funding for the yes case as well as the no case.

It is an interesting thing to think this is not going to be an easy journey for Aboriginal people. We need to think about how we deal with that, support Aboriginal people during that process because when the no case is put, it is going to be quite triggering for a lot of Aboriginal people. It is a bit like when we did the postal survey - interesting approach - for marriage equality. The harm that did to many Aboriginal people. I am sure some of you heard Noel Pearson when he recently commented that he feels the Aboriginal people are the most unloved in the country. At least during the postal survey. There was an outpouring of love for people who are members of the LGBTIQA+ community. This seems to be much more divisive, which is sad. It is very sad.

We need to keep these things in the back of our mind and I note the federal government has made significant commitments on the recognition of Aboriginal people. I know there are views also on the importance of treaty and truth-telling and I absolutely agree they should also be priorities. However, I do not think we seriously expect every Aboriginal person to agree with a particular model, particular idea or a particular decision, because we as non-Aboriginal people, do not.

Let us all try to work together and respect everybody in this.

I make those comments as these are almost central to this parcel of land that has brought this to the fore in that, is this the most appropriate way to ensure we can progress the opportunity for Aboriginal people to take over management and control or whatever the form will be, management of this land, of which they have deep connection to? I echo the calls to progress that work. Regardless of what happens here today, that work be progressed. At least we can establish a framework that provides legislative certainty on that.

I will not go over a lot of the points that the member for Nelson raised in her contribution about the process. I did note the limitations with the rebuilding the forest industry act. This is notionally a barrier to making it a different reserve status. Legislation can be changed at any time. To say there is legislative barrier, well there is currently, yes. There is, absolutely there is, but we change legislation in this place all the time. You can essentially do pretty much anything if there is a mind and a will to do it.

I understand your process regarding this and I understand the UNESCO requirements. I appreciate the explanation of the understanding of 'national park' that was in the UNESCO recommendation, in that 'national park' or 'national park reserve' have different meanings in different places, and that was clarified to be a reserve area. As I understand it from the briefings, we are meeting that obligation by doing this, and we should meet our obligations in this framework.

However, that should not close the door - and I believe it does not - on future consideration of the management and ownership of that Crown land and who has the connection to that. All of us who live in Tasmania have a connection to the land in some way. Some have had it for 60 000 years though. We have not. We have had it for a bit over 200 years, those of us who are not Aboriginal, that is.

I accept that this an appropriate step. I know the $5 million that may be available to the state from the Commonwealth to manage our TWWHA is up for review, and there is no guarantee we will get it.

Mrs Hiscutt - I am pleased to hear you say that. There is no guarantee without meeting some conditions.

Ms FORREST - That is right. There is no guarantee we will get it, even if we do this.

Mrs Hiscutt - Even if we do meet conditions.

Ms FORREST - That is right, but I am pretty sure as hell we would not get it if we did not. There is no guarantee.

The TWWHA is a large area. It does require significant care and at the moment the TWWHA is very dry. There might have been rain in a whole heap of other places around the state and flooding in many places, but the TWWHA did not get it. If the TWWHA burns we are in deep trouble, climate change-wise, ecology-wise,

Ms Rattray - Resource-wise.

Ms FORREST - Tourism, the whole thing. It would be a disaster.

We cannot make the rain happen there, in spite of Darryl Gerrity's comments about cloud seeding, going back some years. I do not know if we do cloud seeding anymore. I do not know, but it used to be a massive issue. Anyway, Darryl was not happy with that, the late Darryl Gerrity, I should say.

It is a large area. It requires management. We need to have the money and funding to look after it, and to ensure that if there is a fire there - and fires happen often through lightning strikes there. It is not because people deliberately light them. It is lightning strikes and other phenomena like that. It is very inaccessible. It can get away very quickly, and $5 million would not even touch the sides of dealing with a major fire, that is for sure. There may be other funding that comes available, through emergency or disaster management.

Overall, the point I wanted to make is that I will support this affirmative motion. However, I echo the calls from the member for Nelson, probably others as well, to get on with the review of the Aboriginal Lands Act, to get on with that and make that a proactive relationship so that Aboriginal people do not feel unheard, do not feel disenfranchised, and are able to fully participate in a way that they are feeling is not possible at the moment.

With those comments, I will support the motion, but I urge the Government to actually be much more proactive.

[12.45 p.m.]

Ms LOVELL (Rumney) - Mr President, I will make a few brief comments so as not to repeat many of the comments that have already been made, and echoing many of those comments.

Today, we are debating this affirmative motion about these parcels of land. Whilst I have no issue with the motion itself and what it seeks to achieve and why we need to pass this motion, or why the Government needs to have this done and take this step, on the other hand, I can also understand the cynicism of many, including the Aboriginal Land Council, who we heard from this morning. I thank them for their briefings and the correspondence we have received from them on this matter. I can understand that cynicism about the commitments that this Government has made when they have not yet managed to deliver any of those commitments.

The member for Nelson spoke about the former premier, Peter Gutwein, and the announcement he made in the State of the State speech in 2021. The former premier made some announcements during that State of the State speech that many of us in this place - and I know many in the community - were heartened by and pleased to finally hear those commitments that he made. It is disappointing that here we are now, more than a year later, and there has been very little action on actually delivering any of those commitments.

I can understand when we have stakeholder groups and this does not happen - this is not something we are seeing just now, we see this happen quite a bit - stakeholder groups trying to take advantage of a mechanism that they have to achieve an outcome. It might not be the best mechanism, it might not be the most appropriate way to do it, but people are left feeling like this is the only way to do it, because they are not getting delivery on those commitments that the Government made. We hear a lot of talk, we hear a lot of promises made and not a lot of action. I can understand why people look for those opportunities to have those outcomes achieved through other mechanisms that might be a little unconventional. They feel like that is their only option.

Whilst I understand and have no issue with this motion itself, I have an issue with the lack of action of this Government on those commitments that have been made, commitments around truth and treaty, commitments about a review of the Aboriginal Lands Act and handbacks. I understand that the minister has brought this motion before the parliament in his capacity as Minister for Parks, but he is also the Minister for Aboriginal Affairs. I hope that the attention that he is paying to this - and clearly he is paying attention because he came to brief us this morning. I appreciate that and thank the minister for that. However, I hope he is paying close attention to the comments made by members in this place and the comments that have been put forward by stakeholder groups like the Aboriginal Land Council and others, and the correspondence that they have sent.

He needs to understand that this is an issue for many people. It is an issue for many of us; it is an issue for many people in the community. This is something that Tasmanians want to see some action on. I hope that he is paying close attention to that in his capacity as Minister for Aboriginal Affairs. The commitments have been made, the words have been said, but we are not seeing much action. That is what we need to see.

I will support this motion. I understand that this is a step that needs to take place, but I hope that the minister pays attention to these comments that have been made, not just by me, and that we actually see something concrete. I do not want to hear that we have just committed

to continuing conversations. That is just a lot of words. We do not need to have that continuing conversation over and over again. What we need is action. While I support the motion, I hope the minister is listening to this debate. I hope he pays attention to these comments. I hope to see some real action from him, a stronger commitment and including time frames for the delivery of the commitments that have been made. This is an issue that is important, not only to the Aboriginal community, but to the Tasmanian community more broadly, and certainly to people in this place.

I will listen to other comments. As the member for Murchison said, I suspect other members will have similar comments to make. I hope the minister takes them on board.

[12.50 p.m.]

Mr VALENTINE (Hobart) - During briefings on this, which I thank the Leader for arranging as well, we were told the current tenure of the land subject to this motion does not allow transfer to anyone and that there is no class of land for the creation of an Aboriginal national park. That is what I heard and what we were told.

I note the 2015 United Nations Educational Scientific and Cultural Organisation (UNESCO) recommendation 11, which was:

> Future Potential Production Forest Land (FPPFL) within the property should not be convertible to Permanent Timber Production Zone Land (PTPZL) and should be granted status as national park

I note that in particular. I ask the minister whether he would affirm this move would in no way see the land in question made production forestry land in the future and I want his affirmation of that placed on the record. You might say it can never be because it is World Heritage land and it is ipso facto, but I want that placed on the record because it is an important commitment the minister makes, regardless of what its current status may be. What may or may not be able to be done with that land is something I want placed on the record.

I also note the Pathway to Truth-Telling and Treaty Report was provided to our former premier, Peter Gutwein. That was 21 November and:

> Recommendation 12: Creation of kooparoona niara Aboriginal Protected Area.
>
> Together with the enabling legislation, the first Aboriginal Protected Area, the kooparoona niara Aboriginal Protected Area in the Western Tiers including the Future Potential Production Forest Land (FPPFL) on the boundary of the TWWHA should be declared. This first Aboriginal Protected Area could serve as a model and would serve as a test of local management and access.

It is an important recommendation to note that the commitment is there for that particular protected area to be pursued by the Government and that is the recommendation. It would be good if the minister, in briefing, gave a commitment he would progress that. I want that also placed on the record, Leader, that he is committed to seeing that progressed.

I understand that while it is a commitment he made, there would have to be consideration of allowed uses and purposes for the proposal, et cetera and lots of things that might have to be considered, but the question that remains is, why are we going down this path? Yes, seemingly abiding by a commitment made with regard to the UNESCO 2015 commitment when we could have taken the opportunity to work with the Aboriginal community to see a national park developed and do it in one.

They have waited a long time for this. Developing a national park may not preclude other uses. I cannot speak for the Aboriginal community, except that I know they would have their ears open to what current uses there are that other sections of the community enjoy, not to say they might agree with every one of those. It is important it be done in one step, that a legislative package be brought forward to progress both of the commitments that have been made: one, the UNESCO commitment; and the other in the Pathway to Truth-Telling and Treaty Report. We know how important that particular report is and who was involved in that. Our previous government was involved in working with or engaging with the Aboriginal community and with Professor Tim McCormack, and how they engaged the Aboriginal community to come up with that particular report to the then premier Mr Gutwein in November 2021. We know how important that is in terms of treading a path to reconciliation.

What an opportunity there is in trying our best to meet the obligations that have been promised to see that pursued. That is my simple thesis. This is not the best way to go. It would have been far better to have worked with the Aboriginal community and see a much more complete addressing of the issues, especially reconciliation issues, by having that all done at one point in time and through one package of legislation.

I thank those who came to present and for the information provided and I am inclined not to vote for this because there is a better way forward.

[12.57 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - in reply) - The UNESCO has made it clear to the state party, being the Australian Government, that it expects these areas to be reserved as soon as possible. Members of the Tasmanian parliament have a key role to play in order that we meet our international obligations and commitments.

I acknowledge the significant body of work undertaken by staff in the Department of Natural Resources and Environment to meet these obligations, including scientific evaluation of this land. The proclamation process was not to provide a blanket declaration of national park to all parcels, including areas that do not meet the criteria for a national park and therefore downgrade the status and values of what we know to be required of a national park.

As stated, the current review into the model for returning land to Aboriginal people, which aims to identify the barriers to returning land and explore options to improve the land return process, is a separate mechanism to the proclamation process here today. The Government cannot declare the kooparoona niara national park right now as certain processes need to be undertaken. This includes developing a new reserve class, undertaking consultation, amending legislation in both Houses and seeking approval to proclaim the new reserve. As stated, this is not a quick process.

The Tasmanian Government respectfully acknowledges the proposals from Tasmanian Aboriginal organisations including the Aboriginal Land Council of Tasmania's proposed kooparoona niara Aboriginal national park and the broader concept of the Aboriginal reserve class. The review into the model of returning land to Aboriginal people, which aims to identify the barriers to returning land and explore options to improve the land return process, is currently underway.

The Government is of the view that the return of more land to Aboriginal people should be progressed after -

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

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before I call on question time, I welcome to our Chamber today another group of Year 6 students from Scotch Oakburn College. We have students from the electorates of Rosevears, Launceston, McIntyre and Windermere, I am informed. We are about to go into question time, where members have the opportunity to question the Government on any issue they so choose, and then we will get back into working through a notice of motion that we have before us.

I am sure all members will join me in welcoming you to the Chamber today.

Members - Hear, hear.

QUESTIONS

Disused Nursing Home in Launceston

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

[2.32 p.m.]

Further to my question asked and answered on August 2022 relating to the disused Nurses Home between Howick and French streets in Launceston, can the Leader please advise:

(1) What progress has been made by Housing Tasmania towards inspecting this building and considering whether it is suitable to be utilised for community housing, as the per the answer given to me in August?

(2) Are there properties in Launceston currently under consideration by Housing Tasmania to determine whether they are suitable to be utilised for community housing? If so, which ones?

ANSWER

Mr President, I thank the member for her question, and I apologise to those members for whom I do not have any more answers.

Ms Forrest - Some of them have been with you for three weeks.

Mrs HISCUTT - I have been struggling to get some answers.

The answer to the question from the member for Launceston:

(1) The Nurses Home building, owned by the Department of Health, has been assessed as being in very poor condition, and is currently uninhabitable for any purpose. Significant capital works will be required to bring the Nurses Home building up to a standard suitable for occupancy, and to comply with the Building Code. The former Department of Communities Tasmania, on behalf of the Director of Housing, has completed a strategic assessment of the Nurses Home building and note the site's potential suitability for future housing if a complete refurbishment of the building is undertaken. The Department of Health is considering the potential future use of the Nurses Home building, and in its planning for future stages of the Launceston General Hospital Precinct Masterplan.

(2) The Director of Housing recently purchased a key inner-city vacant land site at 4-6 Boland Street, Launceston, for the development of housing. Several other Launceston sites are under consideration for social and affordable housing. These include a portion of the University of Tasmania's site at 75 Newnham Drive in Newnham, and two housing land supply order sites, Technopark, and Kings Meadows at 50 Wildor Crescent, both of which are currently advertised for community consultation.

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

First Reading

Bill received from the House of Assembly and read the first time.

CLIMATE CHANGE (STATE ACTION) AMENDMENT BILL 2021 (No. 63)

Council Amendments

Legislative Council Amendments agreed to by House of Assembly.

MOTION

Draft Proclamations Nature Conservation Act 2022

Resumed from page 20.

[2.37 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, as I was saying, the Government is of the view that the return of more land to

Aboriginal people should be progressed after this review is completed and resulting amendments to the Aboriginal Lands Act 1995 have been made next year.

However, we have committed to exploring with the Tasmanian Aboriginal people the opportunity to co-design a new Aboriginal reserve class under the Nature Conservation Act 2002. Importantly, under current legislation, the reserve classes of Aboriginal reserve, or Aboriginal national park, do not yet exist. It is also apparent that there are divergent views as to what such reserve classes should be created to protect or enable and how this would be managed. In this regard, all voices need the opportunity to be heard.

Legislative amendments would need to be drafted, thoroughly consulted and debated in both Houses of parliament. This is not a quick process and should not be rushed. As stated, work is also underway to progress amendments to the Aboriginal Lands Act to provide a clearer process for returning land. It is intended that this will be introduced to both Houses of parliament next year.

I thank everyone for their contributions on this substantive matter of the technical transfer and reservations of this land, the proclamation itself, but also the larger, more significant, more sensitive discussions about Aboriginal land, land return, and joint land management. The proclamation process we are considering today is not political, it is purely administrative for the purpose of being sure that the land within the TWWHA is reserved as required under international convention.

To reinforce this position, the Australian Government wrote to the World Heritage Centre in April this year to advise that the proposed reservation of the FPPFL within the TWWHA was currently subject to a statutory process within the Tasmanian parliament and confirmed that the centre will be advised when this reservation process is complete. The Australian Government further reinforced within this letter that this process would ensure that the FPPF land would be subject to the Tasmanian Wilderness World Heritage Area Management Plan 2016.

As stated, today we are seeking members' support for the proclamation process and the delivery of this longstanding and important commitment that has been made to the World Heritage Committee and more broadly supports the effective management and protection of the globally significant Tasmanian Wilderness World Heritage Area.

There were a couple of things the Government wanted to make some comment on during the debate. In relation to the response to the proposal for kooparoona niara - this was the member for Nelson talking - the Tasmanian Government respectfully acknowledges the proposals from Tasmanian Aboriginal organisations, including the Aboriginal Land Council of Tasmania. I would also like to confirm and acknowledge the Government has also met with ALCT and others to discuss this proposal and other matters. The ALCT engagement on proposals and other matters: there was a meeting with the current Premier and the minister, Mr Jaensch, in June this year. Correspondence from the minister was also in June, and there was a letter from the Premier in July.

In the letter dated 12 July 2022, from Premier Rockliff to the ALCT, he noted the support for an Aboriginal national park reserve class in principle. He also noted it would require extensive consultation, especially with Aboriginal people, and the Government was keen to consult in that regard.

Mr President, hopefully that clears up a few issues. I thank members for their contributions and look forward to the vote.

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

The Council divided -

AYES 10	**NOES 2**
Ms Armitage	Mr Valentine (Teller)
Mr Duigan (Teller)	Ms Webb
Mr Edmunds	
Ms Forrest	
Mr Harriss	
Mrs Hiscutt	
Ms Lovell	
Ms Palmer	
Ms Rattray	
Mr Willie	

PAIRS: Ms Howlett, Mr Gaffney

Motion agreed to.

ANIMAL WELFARE AMENDMENT BILL 2022 (No. 42)

Second Reading

Continued from Wednesday 9 November 2022 (page 83).

[2.47 p.m.]

Ms PALMER (Rosevears - Minister for Primary Industries and Water) - Mr President, I reiterate my thanks to members' contributions to this bill. I have done my best to answer as many of the questions put to me during members' contributions.

I will start with the member for Mersey who asked, why target pronged dog collar use and not other practices with potential for cruelty?

The ban on pronged collars reflects advice from the Animal Welfare Advisory Committee. It is part of the amendments the Government has consulted on and that are proposed at the time. These are the next steps being taken to improve the act reflecting community standards and expectations.

There are other animal management methods once common practice and considered acceptable that have been specifically prohibited by section 8 of the current act. For example, the use of spurs that have sharpened rowels on horses. Section 8 also prohibits the use of any electronic device on an animal in the course of any sport or public performance, or in the training for any sport or public performance. Section 10 of the act prohibits the use of an animal to fight, bait, worry, kill or injure another animal.

Under Section 8 (2)(k) the following has been specifically prescribed as cruelty through regulations: the strangulation of an animal with a device, for example, a choke collar or by any other means; the docking of all or part of the tail of a dog; causing or permitting the docking of all or part of the tail of a dog.

I reiterate the considered view of the Animal Welfare Advisory Committee that pronged collars are no longer a justifiable or acceptable animal management methodology.

The member for Mersey asked, why not simply amend the Dog Control Act to regulate the use of pronged collars, rather than the Animal Welfare Act?

The ban on the use of pronged collars applies to all animals, not just dogs. The issue is whether the use of pronged collars should be outlawed on the grounds of animal welfare. The Animal Welfare Act is the principal Tasmanian legislation concerned with animal welfare and is the most appropriate legislation for dealing with this issue.

Addressing questions from the member for Mersey and also the member for McIntyre. Were dog training organisations consulted about the proposed ban? The prohibition of pronged collars is the considered recommendation of the Animal Welfare Advisory Committee which has a wide and diverse representation of stakeholders, including the TFGA. The Government accepts the AWAC's recommendation. The consultation on this amendment bill was comprehensive and provided all stakeholders with the opportunity to comment and make submissions. Many dog training organisations did. I acknowledge there were many submissions arguing against the pronged collar ban. There were also many submissions in favour of the ban. The Government's position on pronged collars is clear and has been consistent since 2014 when the ban was first proposed in the Animal Welfare Amendment Bill 2014 and rejected by the parliament at that time.

The same thing can be said about dog training organisations and other stakeholders who support the use of pronged collars to train dogs. Their position, which I accept is held and communicated in good faith, is consistent with what it was in 2014. The Government has heard and understands their point of view, but it has a different view on this issue.

The member for Mersey asked if there had been any prosecutions relating to the use of pronged collars. Given the use of pronged collars has not been unlawful in Tasmania, there have not been any prosecutions here that I am aware of relating to their use. It is a different story in Victoria, where pronged collars have been banned for some time. Professional dog trainers continue to operate without using collars. However, some may covertly use pronged collars. In September of this year the Victorian media reported the prosecution of a Noble Park dog trainer, Ms Stephanie Laurens. She is the operator of a dog training business called Alpha Female K9 Academy. The Victorian RSPCA alleged between 18 August and 24 October 2019, Ms Laurens was in charge or control of dogs in contravention of an earlier court order banning her from having the care or charge of animals. Between the same dates she is also alleged to have used a pronged collar on an animal, and subjected animals to cruelty causing unnecessary pain and suffering. Ms Laurens pleaded not guilty to the charges but was convicted by the Dandenong Magistrates Court in September this year. She was banned from owning or being the person in charge of animals for 20 years until 2028.

After the case RSPCA inspector, Stacey Sorrell, told the media that it was important to hold Ms Laurens to account. She said:

> Ms Laurens deceived the public and her re-offending showed complete disregard for animal welfare and the law. Pronged dog collars are illegal to import into Australia and illegal to use in Victoria. Pronged dog collars are used to correct unwanted behaviour through punishment. RSPCA is opposed to the use of pronged dog collars due to the injury, pain and suffering they can cause.

Then I had questions from the member for Launceston, the member for McIntyre and the member for Murchison: are pronged collars used on a dog on an ongoing basis all the time or only during a training period? Why can we not have a system of registration for dog trainers to allow them to use pronged collars? That is the key threshold question here. If pronged collars are legal and available to use they could end up being misused and some animals may potentially end up spending their whole life every day in a pronged collar. Different people will have different practices. There will be varying levels of compliance. There will inevitably be cases of misuse of collars, whether reported or not and the mismanagement of the dogs that allegedly can only be managed with pronged collars.

How can we police this? On the advice of the RSPCA, the AWAC and NRE Tasmania, properly and effectively policing the use of pronged collars will be difficult. A system of registration of dog trainers would be administratively costly and burdensome to implement. The advice of the AWAC, the RSPCA, the Chief Veterinary Officer, and numerous other organisations, is that we do not need pronged collars. The safest, simplest and most practical measure, on my advice, is to prohibit their use. Other effective training methods are available.

In response to a question raised by the member for Murchison, I am advised that none of Tasmania's police dogs are trained in Victoria. Tasmania works with South Australia Police to train our dogs. Tasmania Police dogs are all positive reinforcement trained with food and praise rewards. No Tasmania Police dogs are trained or worked with pronged collars. Queensland is currently at the same stage as Tasmania in advancing an animal welfare amendment that includes an outright ban on pronged collars, without exception. Their public consultation process has been similar, with a high level of comment on these collars. I hope that Tasmania would support continual improvement of animal welfare arrangements in line with national trends.

Why was there a delay in publishing submissions? This was a question put forward by the member for Mersey and the member for Nelson. All submissions were considered. They were summarised in a consultation report that was considered by me, and published online. The views of submitters, both for and against pronged collars, were available for members to consider in the consultation report. I am advised there was, unfortunately, an administrative issue which prevented the publishing of all submissions at the earliest time, and for that, I apologise. However, they have now all been published. I have been advised that there were some professional dog trainer submissions in the first set that were published, and a lengthy section in the consultation report on pronged collars, which noted 36 submissions were received which opposed the ban on pronged collars.

Questions on clause 11 - why is faster disposal of carcasses needed? This was posed by the member for McIntyre and the member for Hobart. Anything seized as evidence, including carcasses, would be held for as long as is necessary to be used as evidence in relevant proceedings. Once proceedings are concluded, the seized property would either be returned to its owner, or disposed of. The bill will amend section 24 to reduce the time for which carcasses

of animals euthanased by authorised officers must be kept from 7 days to 48 hours. Section 24 of the act currently provides for officers or vets to kill animals for humane reasons, including forensic investigations. This amendment is not about the timing of a decision to kill an animal for any legitimate reason.

Section 24 of the act also requires that the carcass of an animal killed in this manner is made available to the owner, if the owner so requests, within seven days of the animal being killed. The time within which the carcass must be made available to the owner was increased from 24 hours to 7 days by a 2002 amendment, to permit the prosecution adequate time to undertake post-mortem laboratory examination and forensic testing. The proper process of evidence collection, including forensic investigations, pathology records and the development of expert reports is the most preferred method for substantiating a prosecution case. It is rarely appropriate to require whole carcasses for a court proceeding.

An unintended consequence of the amendment was that, in the absence of a request for its return, the carcass must be held for seven days, even if no tests are to be performed. This can create difficulty in cases where appropriate storage may not be available, particularly for large animal carcasses. Carcasses from animal welfare cases usually have no commercial value, and are disposed of by deep burial in a municipal landfill.

The next question was posed by the member for McIntyre. The new amendment to section 17, allowing an officer to take possession of an animal if they reasonably believe an offence is likely to be committed - how would that work? As with the clarified powers of entry which allow entry to a premises or dwelling in the case of an emergency, the grounds for taking possession of an animal have been more clearly defined. With respect to the new phrase, 'or is likely to be committed', this would apply to situations where there is evidence to support a reasonable belief that a cruelty offence is likely to occur. For example, where there is evidence that animals are being kept for fighting or live baiting, but it has not yet occurred; or the occupant has departed and there is no apparent food or water provision. There would need to be sufficient evidence to form a reasonable belief of that likelihood. Some stakeholders have also sought clarification of the basis for an officer's reasonable belief. Reasonable belief, which is a higher standard than reasonable suspicion, will be a matter of case-by-case judgment by an officer based on their knowledge, experience, professional consultations (for example, from vets), written guidance available, and the facts being dealt with.

There will always be a matter of professional judgment, tempered by the resources available and the perceived needs of the animal. There are, however, legal precedents relating to reasonable belief. A reasonable belief requires the existence of facts that are sufficient to introduce the belief in a reasonable person, in the relevant circumstances. With judgment and procedural fairness, it is reasonably unlikely that any animal will be wrongly seized.

Seizure and prosecution are resource-intensive exercises, and a livestock case is not likely to proceed if there are legitimate concerns about its success. There are also further regulatory checks and balances, including that the prospective cases are reviewed internally within NRE Tasmania, and RSPCA in relation to domestic animals and, further, by the Office of the Director of Public Prosecutions.

In any case, under section 26B of the principal act, a person who is aggrieved by a decision of an officer may apply to the Magistrates Court (Administrative Appeals Division)

for a review of that decision. This is one of several legal safeguards that are available to ensure natural justice is observed and abuse of power by officers is prevented.

Some questions about clause 5, and the change to onus of proof of possession and control were raised by the member for Murchison and the member for Hobart. In a chain of custody situation, where there may be multiple parties responsible for an animal that has been exposed to cruelty or neglect, it is critical that only those persons whose acts or omissions caused the neglect or cruelty are subject to potential prosecution and conviction.

Some good examples were raised during the briefings yesterday, such as the corporate farmer and animals being agisted in another person's land. It will always by a case-by-case question of fact to determine who is ultimately to blame and liable to prosecution for any cruelty or neglect.

The new amendment to section 3A aims to ensure that only those persons who are primarily responsible will be subject to compliance action, and no other parties who have discharged their animal welfare duty, which is set out in section 6 of the act, and who have done everything reasonable and practicable on their part to ensure the welfare of the animal. It is important to remember that this amendment will not change the standard of proof on the issue of possession or control. All the defendant will need to do to rebut the allegation of custody or control would be to introduce evidence that raises a reasonable doubt on the question.

Recognition of Visitors

[3.03 p.m.]

Mr PRESIDENT - I welcome another group from Scotch Oakburn Year 6 to the Chamber today. As we said before, the students are from the Legislative Council electorates of Rosevears, Launceston, McIntyre and Windermere. We also welcome the honourable minister and member for Rosevears' son Alfie, who is part of that group. It is wonderful when our family can come in and see exactly what it is we get up to, while we spend all our hours in here.

Ms Forrest - I would be suitably embarrassed.

Mr PRESIDENT - The minister - or Mum - is doing the second reading speech summary. When legislation comes to our Chamber, it has three stages, which are called readings. The first reading, the second reading and the third reading.

When the minister finishes, it will be put to the vote for the second reading, and if it passes that, it will then go into the Committee stage and it will be worked through clause by clause, which is the very exciting and thrilling part of any legislation.

I do not know if you are planning to stay for that, but I am sure all members here in the Chamber warmly welcome you to the Legislative Council this afternoon.

Members - Hear, hear.

[3.05 p.m.]

Ms PALMER (Rosevears - Minister for Primary Industries and Water) - Thank you, Mr President, and it is quite lovely to have my son here.

In the case of livestock, evidence could be from the National Livestock Identification System (NLIS) records, which indicate another person was the livestock owner or that they never had possession of the animal or from vendor declarations. Reforms are proposed relating to sheep identification and other species to enable improved livestock traceability. The recent detections of foot and mouth disease in Indonesia have highlighted the reality that we cannot afford to be caught unprepared for such an animal biosecurity emergency. These reforms, once adopted, will likely also significantly assist in providing and establishing a legally recognised basis for proving ownership.

It is unlikely that large-scale commercial livestock farmers will be prosecuted for a single animal, unless there is manifest evidence of cruelty. It is primarily an issue with smallholders and any others who often deny ownership of unidentified animals on their premises. Prosecution is a resource-intensive exercise and a case is not likely to proceed if there are legitimate concerns about its propriety.

An offence where identifying which person has control or custody of animals, irrespective of ownership, is critical when a person is charged with having custody of an animal in contravention of an order made under section 43 of the act, which bans that person from having custody of an animal. It is common with these cases for the offender to be occupying a premises with other people, such as their partner or spouse. The question then arises, whose animals are they? Who is keeping them and looking after them, or not looking after them?

In the absence of admissions or other evidence, there will be always be doubt as to which person on the premises has custody of the animals. The new amendment will require the defendant to explain the situation and prove, on the balance of probabilities, that they did not have custody of the animals in contravention of the order.

Finally, this bill will further strengthen Tasmania's Animal Welfare Act, and provide greater protection for animals and for their welfare. Animal welfare is an important issue. This Government takes animal welfare seriously. The amendments in this bill represent a substantial strengthening of the act. The amendments have been developed following advice from the Animal Welfare Advisory Committee, and the bill has also been informed by feedback from stakeholders and the community through the public consultation process. The act was intended to promote continuous review and improvement of Tasmania's animal welfare system, and these amendments will deliver next steps in ensuring strong animal welfare laws.

I thank the department for the efforts they have put into these amendments, Kevin de Witte, Fiona De Jersey, Stephen Hall and Deidre Wilson. My thanks to them.

Mr Gaffney - There is one question I do not think was answered. At the moment, my understanding is Victoria has the legislation, has had it since 2008. There was some question about Queensland going through the debate at the moment. Can the minister confirm that neither Western Australia, New South Wales, South Australia, Northern Territory or the ACT have pronged collar legislation?

Ms PALMER - I will seek some advice.

Mr PRESIDENT - I could suggest that if the minister wishes, you could follow that up in the Committee stage. Once you get into that, if it -

Mr Gaffney - It was a question that was raised during the second reading speeches.

Ms PALMER - I am happy to answer now.

This act led the way in 1993 in introducing an animal welfare duty of care. We know that this has already been introduced in Victoria with regard to the pronged collars. We know that Queensland is now looking at that legislation and Tasmania should be leading the charge on this. We should be at the forefront. We do not have to wait for other states to catch up. We do not want to be left behind on other issues. The information I have is that yes, Queensland has already put this through. Sorry, Victoria has already put this through. Queensland is going through the public consultation stage. I am very much hoping Tasmania will be next on the list.

Mr Gaffney - A point of clarification. The question was very clear. We had already heard that information. The welfare advisory committee cannot tell me which other states in Australia have pronged collar information. You said Queensland, Victoria, but have not said which states. I asked if Western Australia, South Australia, New South Wales, ACT and the Northern Territory have pronged collars. It was a pretty clear question. You have not discussed that. None of those other states and territories have pronged collars? That is why I am asking you.

Ms PALMER - My answer is that I am not aware of other states. I have tried to give you the information that I do have, which is about Victoria and Queensland, and to reiterate that I hope Tasmania will also continue to lead the charge, as appears to be the trend around the country.

Recognition of Visitors

[3.12 p.m.]

Mr PRESIDENT - Before I put the question, I will welcome another group from Scotch Oakburn, Year 6, who are joining us in the Chamber today. What we have been doing is an animal welfare bill. We have been through the second reading stage. We are about to go into the Committee stage, which is called the third reading, where the bill will be gone through line by line.

I am sure all members will join me in welcoming you to the Chamber.

Members - Hear, hear.

[3.13 p.m.]

Mr PRESIDENT - The question is that the bill be read the second time.

Bill read the second time.

ANIMAL WELFARE AMENDMENT BILL 2022 (No. 42)

In Committee

Clauses 1, 2 and 3 agreed to.

Clause 4 agreed to.

Clause 5 -
Section 3A amended (Care or charge of animals)

[3.18 p.m.]

Ms RATTRAY - Madam Chair, clause 5 is the amendment relating to the care or charge of animals. The clause notes state that this:

> Amends section 3A of the Principal Act to enable a court to accept as factual evidence an allegation in a prosecution complaint that a specified person had, or has, control, possession or custody of a specified animal

We talked about this yesterday, particularly the member for Hobart, that you are virtually deemed to be responsible and it has been difficult if somebody says 'not my animal'. I consider it is virtually accusing someone, and then they have to disprove it.

I want some further information about why the Government has gone down this path. I know it is expensive, but any legal proceeding is expensive; so, why is it just going to be used for people in regard to animals? Some further clarification and expanding out on why the Government has set up this amendment this way.

Madam CHAIR - Before I call the minister - and she might be getting some advice anyway - I will explain to the young people in the back what we are doing in this stage. We are going through the Animal Welfare Amendment Bill, and we are looking at each part, one at a time. Members can have questions on particular parts. The member for McIntyre has asked a question. Now the minister, with the help of her advisers, will provide some more information to the member, and we will keep moving through the bill like that. Subsequently, we have some amendments that are going to be proposed, which are changes to the law which will be agreed or not.

Ms PALMER - Madam Chair, the act will be amended to enable an allegation in a formal prosecution complaint - a court document, not simply a complaint from a neighbour or a member of the public - that a specified person had control, custody or possession of an animal to be accepted by a court as evidence of that fact. This will create an evidentiary presumption that the defendant would be required to disprove in criminal proceedings. Currently, a person in charge of an animal can simply deny ownership, making investigations and prosecutions unnecessarily difficult and expensive in some cases. It is also important to note that a defendant can rebut the presumption by producing evidence that shows, on the balance of probabilities, they did not have control or possession of the animal. Any evidence that raises doubt will be considered, and what this does is it stops people avoiding their responsibilities just by saying, 'it is not my animal'.

Ms RATTRAY - I appreciate that. What sort of examples of information would satisfy that 'no, it is not my animal,' or, 'I left it in charge with the honourable member for Huon because he told me that he could look after my animal, and he obviously has let me down' - is it then his responsibility? Does a chain of care or custody fall into place? I am interested in how this is going to work. If the honourable member for Huon is not able to look after my animal, I might have to get the member for Rumney, I know she is good with dogs.

Ms PALMER - To answer your question with the scenario you presented - if you, the member for McIntyre, went on holidays and you asked the member for Huon to look after the sausage dog. The member for Huon does not take care of the sausage dog at all and that is where the problem is. You would simply need to show you were away on holidays. People knew you were on holidays and people knew the member for Huon was going to be looking after your animal and therefore the responsibility is with the member for Huon in that scenario.

Ms RATTRAY - I appreciate that clarification because there are some genuine scenarios where people have entirely done that. If you were an owner of a property and have a manager in place and you are paying them, every expectation is that they are going to care for those animals they are being paid to look after. If they do not there needs to be a clear direction or process. Is a statutory declaration something I would have to get signed? Not just that I have an airline ticket to Melbourne. How formal does that information have to be for me to prove and then what if the member for Huon says, I did not really want to look after the sausage dog but I did, but then we went on holidays too? It needs to be clear whose responsibility it is when you have to disprove as these are not just a smack on the finger, these are criminal charges. That statutory declaration, and anything else you can add?

Ms PALMER - In response to your question, evidence would depend on the facts of the case. It could be a statutory declaration, or it could simply be a statement backed up by another person.

Mr VALENTINE - Does this not have the potential to provide an advantage to the prosecution over the defence? Given that this is going to be in a court where things might be worked through. I would trust the member for Huon with my life, I have to say. He has not been here long but I want to put that on the record.

That is the fundamental question. Does it provide an advantage the prosecution would not otherwise have over the defence?

Ms PALMER - Madam Chair, there is no advantage to the prosecution. It is important to remember that this amendment will not change the standard of proof on the issue of possession or control.

All a defendant would need to do to rebut the allegation of custody or control would be to introduce evidence that raises a reasonable doubt on the question.

Clause 5 agreed to.

Clause 6 -
Section 8 amended (Cruelty to animals)

[3.33 p.m.]

Mr GAFFNEY - I move the following amendements to Clause 6:

First Amendment

Page (4), after paragraph (b).

Insert the following paragraph:

(x) by inserting the following subsection after subsection (2):

2(A) It is a defence in proceedings for an offence under subsection (1) that solely relates to the use of a pronged collar, or similar collar, on a dog if, at the time the offence occurred -

(a) the accused was a member of the Australian Association of Professional Dog Trainers, Inc (A0025948S) or other prescribed body or entity (the **"relevant training organisation"**); and

(b) the use of the collar was in accordance with the procedures and protocols of the relevant training organisation; and

(c) the accused had undergone training, provided by a relevant training organisation, in the use of pronged collars or similar collars; and

(d) the dog was supervised by the accused, or another person who has been trained in the use of the collar as required under this subsection, while the dog was wearing the collar; and

(e) the use of the collar on the dog was solely for the purposes of training the dog; and

(f) the dog is not unreasonably distressed as a result of the presence, and use, of the collar; and

(g) while wearing the collar, the dog was not placed at a higher risk of significant injury or death.

Second Amendment

Page (4), after paragraph (b).

Insert the following paragraph:

(z) by inserting the following subsection after subsection (2):

(3AA) Subsection (1) does not apply to an act of a person if -

(a) that act is the use of a pronged collar, or similar collar, on a dog; and

(b) after -

Madam CHAIR - I want you to start that one again. You said, after, rather than, before. Start reading the second amendment again.

Mr GAFFNEY - After paragraph (b).

Madam CHAIR - You have misread it. If you could read it again.

Mr GAFFNEY - Page (4), after paragraph (b)?

Madam CHAIR - Yes.

Mr GAFFNEY -

Insert the following paragraph:

(z) by inserting the following subsection after subsection (2):

(3AA) Subsection (1) does not apply to an act of a person if -

(a) that act is the use of a pronged collar, or similar collar, on a dog;

(b) before the commencement of the *Animal Welfare Amendment Act 2022*, the collar had been used on that dog for the purpose of keeping the dog under effective control, within the meaning of the *Dog Control Act 2000;* and

(c) at the time the act occurred, the person had no other means to keep the dog under effective control, within the meaning of the *Dog Control Act 2000*, other than the use of the collar.

I only have three calls so I am going to give a fair bit of information on the amendments together. Then, because of the importance of this, it is important that members have the correct information that we have gleaned over the last day-and-a-half of discussion, so that when you are making your assessment of this, that you do have some of the facts that perhaps have not been correctly put on record.

The first amendment. Whilst not dismissing the ban on the use of a pronged collar or similar collar, or the prosecution of any offence in their use, this amendment does offer a pragmatic compromise that can aid the overall welfare of a dog with unmanageable behaviours that can be effectively modified or rectified, producing a more socially competent and

manageable dog. The issue is about cruelty to animals, this is an animal welfare act. If there is a device that is used that is not cruel to animals and actually modifies behaviour, if used correctly and appropriately, then why are we seeking to ban it?

For example, you might have a horse that throws its head a lot. The jockey or horse owner will put a different bit inside the mouth to modify the behaviour, which is not uncomfortable to wear, but if it throws its head back or goes to the side, then that pulls it back into line. That is a behaviour management tool. This pronged collar is a behaviour management tool. I want to go further into that. This amendment provides strict safeguards as a method of last resort that may save a dog from having to be disposed of - that is sold, rehomed or euthanased.

Now, it was clear in our evidence that the RSPCA said they only had 19 dogs in 2021, only six of those were euthanased for behavioural issues; 78 per cent of the dogs that go to Dogs' Home of Tasmania are euthanased because of their behavioural issues. One of those was that it escaped a lot. That was one of the behavioural issues. We need to be aware of what the pronged collar is used for and how it is used in a positive way. It would create a codified recognition of professional dog training that could usefully define future legislation. There is the opportunity in this to offer reasonable discretion under legislative safeguards with the additional amendments in this bill offering strong controls as part of the revised prosecution protocols.

The second amendment, this amendment addresses those owners who may have already been using such collars on individual dogs as part of their established practices, described in the Dog Control Act 2000, section 4, Dog under effective control. That describes how a person must be able to control and restrain the dog. This offers an option for a person who may have been relying on such collars to keep their dog under effective control at the time this bill was enacted, to maintain that use and solely for that animal.

This may not be a professional dog trainer. This might be a person who has had the dog for several years already, and uses the pronged collar approach effectively. When this legislation goes through, at this stage, if we did not pass this amendment, that person would not be able to keep the dog if they could not control it without the use of a pronged collar.

It may allow an owner to safely own the animal and take it into a public place, especially if they are frail or infirm, without having to consider disposing of it. It is a purely transitional initiative that offers a reasonable compromise in implementation of the ban of such collars. If these collars are banned, this is saying to the Government, well, if it happens on 1 July 2023, or whenever it gets royal assent, that does not mean everybody who has a pronged collar to control or manage their dog has to go out and get rid of their dog if they are worried about not being able to control it. That is the issue.

These are not dangerous dogs. There are some dangerous dogs. This is the kelpie or the border collie who is playful, wants to run, wants to get away. They are pulling at the lead, going flat out, the person is able to control them. They are high-spirited dogs. I need to prove to members, I suppose, that pronged collars are a management tool. They are not a tool for cruelty. They are a management tool, used correctly, for companion animals, in this case a dog. Of the 27 million people who live in Australia, as far as I can glean, only one state of six million people has actually banned pronged collars. The other states, according to my

knowledge, do not have a ban on pronged collars, so 21 million people in Australia can use these tools, and use them effectively.

I need to put on the record some of the misinformation or misinterpretation that we have received over the last briefing, because that goes to the crux of this amendment: let those professional dog trainers use this tool as a management tool. They do not use it as a tool for cruelty, this is something that they will manage for people and they help other people manage their dogs. For example - in some of the issues that have been raised with me, and I have to go back to some of the comments made by the minister - it is interesting that on the AWAC committee there is a delegate from the TFGA, which is fine and reasonable because it is to do with animal welfare. It is surprising that with such an important bill, that there was no experience on that panel with somebody using pronged collars.

I would have thought that one of the stakeholders that they would have had in there talking about what can we do to look at how the professional dog trainers of Australia or Ben from Huonville, how you use these collars, that they would have them in as a key stakeholder because this is affecting their livelihood and the people who they help, and have helped, for many years. There is no evidence that pronged collars have been used in any cruelty or injury cases. Why is there such a focus on them now? Where is the evidence that pronged collars cause pain? The RSPCA does not have any evidence so support their claims. The RSPCA did say in their briefing yesterday it did not euthanase dogs, but according to their annual report, they do for behavioural reasons.

Victoria's 2008 pronged dog collar law is currently being challenged at the moment. A case is being mounted to address that. Interestingly, 14 years later, New South Wales - Queensland are - but WA, ACT, and Northern Territory, they have not picked it up. They are not introducing it into their legislation and Tasmania is. There is angst within the professional dog trainers in Tasmania that they have not been properly consulted or given a fair hearing in this.

We have to set right, the dog that was in the video yesterday - and some people misinterpreted it. I got some more information late last night about that, and it is important because it could impact on the way you vote on this. The dog in the video was sent to him from interstate and had several trainers that had been used to try to correct those behaviours. Many of those trainers had had lacerations and broken fingers using the treat method. The dog had never been abused, hit or even had a raised voice. He was let run free to do what he pleased, and what eventually pleased the dog was ruling people with aggression. Remember when the person was down, it was attacking the cage, it was that.

However, the member for Launceston asked me yesterday about the dog collar being on for extended periods of time. Steve said when the dog was out in public, when we saw that he was running around, he was not wearing a pronged collar. He was wearing a simple slip collar; the pronged collar was used to motivate the correct behaviour. Once that behaviour was there, the pronged collar was no longer needed. He has extensive videos of this dog off-leash, with many other videos, the video submitted shows a start and an end.

The pronged collar has not only been used for control and management but we use the pronged collar to modify behaviour so that the dog does not feel the need to display aggressive behaviour. Many dogs that are managed by a pronged collar are not aggressive, but perhaps high spirited, and may pull a person over. These are in-depth discussions that we have complex

answers to, and please delay this ban or accept this amendment until that can be worked through.

There was the author who said, those working or handling dogs should avoid using positive punishment and negative reinforcement wherever possible. This is discussing aversive training methods, not the pronged collar, and what is happened is that they were confusing some of those terms, saying that this is cruelty, but the pronged collar, in this group's opinion, is not aversive. The point was raised, I do not know how that dog has been seriously mistreated, I do not even know how that sort of dog would ever trust a human again when you see some of the things that have happened to them. The comment from Steve was that is the exact job they do. The dog has been mistreated a lot and by use of human intervention using the pronged collar, which can be used successfully and calmly, it can modify the behaviour of the dog so that the dog retains its normality. Training assistance dogs, for the vision impaired, are trained for the purpose with positive reinforcement and, as I understand, they are not trained with pronged collars. The correct statement is - 'dogs for the vision impaired in Australia are trained with head halters' which is highly aversive. Many seeing eye dogs around the world are trained with pronged collars. So, the companion animals or the assistance animals we are talking about, do have aversive training methods used on them.

A concern was raised about the fear and discomfort that a pronged collar causes. It should be noted the pronged collar is simply a series of links. It has no power to create any feelings in any living being. In fact, you will see some dog owners bring out the hose to spray on the dog when it is doing something wrong in the garden - digging in the garden, perhaps - or hitting it with a paper. That is behaviour management. The pronged collar is also a form of management. People did not understand what 'aversive' meant, in this. 'Aversive' is a type of behaviour therapy designed to make patients give up an undesirable habit by causing them to associate with an unpleasant affect. An aversive treatment, for example, might be putting mittens on somebody's hands to stop them biting their fingers. Somebody who continually hits their hands could have their arms put in a splint. That is aversive training, to stop them hurting themselves. A pronged collar in this example, is a management tool to stop dogs doing poor behaviours.

Recognition of Visitors

[3.46 p.m.]

Madam CHAIR - I welcome a new group of grade 6 students from Scotch Oakburn College. I am sure they are from a range of electorates, as we have previously mentioned. We are in the Committee stage of a bill and we are looking at some animal welfare legislation, and we are going through each part of it. The member for Mersey is on his feet and is seeking to move an amendment to that legislation; and there will be some debate about that and whether we agree with it or not. Welcome, and I am sure all members join me in welcoming you to the Chamber.

Members - Hear, hear.

Mr GAFFNEY - There was a quote from a member, that said: 'it can become a longer term issue or create longer term behaviour issues, which is what the literature reviewer was saying'. The literature quoted refers to the use of aversive training methods. Our members do not use the pronged collar this way. The picture we saw about the dog with the damage to his

neck is more about constant wear, which is not recommended. You will also see the same injuries where any collars have been on for many years. We have all seen dogs who have not had their collar released, where it has been tightened, and the skin will grow around the collar. That is an example, as well.

Pronged collars are made in Australia. Is the minister saying that Tasmania Police dogs do not wear pronged collars? Is that what I was led to believe?

Madam CHAIR - The minister can respond to that when she responds.

Mr GAFFNEY - Okay. So, they are not used for training methods. However, why do police dogs wear pronged collars? For firmer control over the canine during high-risk situations, because dogs tend to respond well to them when used properly. Police dogs do use pronged collars when they are in crowd control, or when there are people around and they want to make certain they have control over the dog in that situation because there is a chance for that to be liable.

A few more comments, and then I will finish. We should question the veracity of the evidence. It is interesting that the advisory committee sought research from a person. The person would go out and get all the articles. They do not look at the veracity of those articles, they pull them apart and look at what does the article say. The Canine Association or the professional dog trainers association - the same thing happened with the RSPCA when they first tried to introduce it in Queensland some time ago. They pulled those apart as well.

Initially I was thinking, remove the pronged collar from the bill. The pronged collar is a tool, a training aide. It has now power to do anything. It is like saying to a doctor or a vet, get rid of some of the blades that you use. It is a tool, it is a management tool. Perhaps what I am suggesting with this amendment, is that we can help this bill out, because there are professional dog trainers using the pronged collar correctly, and they can help dog owners and dogs that are having bad behaviour, or bad management, that may not stay with the family if that behaviour cannot be controlled. They may be put out to the Dogs' Home, or to the RSPCA, and lose that connection.

It was demonstrated in the videos that there are many ways that those professional dog trainers were doing the right thing. I understand the welfare concerns. Anything used poorly is a welfare concern. You only have to look at size of some of the dogs around the place that have not been exercised for months. That is cruel - an obese dog is cruel, because the owners have not done the right thing by it.

This is a management tool when it is used effectively. We saw that yesterday in the videos on two or three occasions. We could target two things here. One, we get rid of the pronged collars from the general community, we have professional people using them. If somebody wants to use a pronged collar, they would use that through the correct procedures; they would have to be qualified; they have to have that license. It is a management tool.

Madam Chair, I was going to talk more about this being in the Dog Control Act, where this would be better placed in terms of the management issue; but I will go there later. I hope members think that we could improve this legislation; accept that pronged collars are not to be in general use; are not to be available to every Tom, Dick and Harry. However, we should be

able to accept that pronged collars should be able to be used by professional people to help manage and monitor the behaviour of dogs that could be dangerous.

Why are we denying that capacity to those people who have that type of dogs in that situation? It is wrong if we do that. It is a poor step. Tasmania could lead the way in showing that yes, these pronged collars can be used effectively - as they are in the United Kingdom and the United States of America. They are not banned in those countries. They are not banned in quite a number of countries. They are banned in ten countries in the world.

All those other countries where they have pronged dog collars, they must not mind if their dogs have been treated cruelly. We could lead the way, and show that we could be sympathetic to professional dog trainers, and those people who are qualified. We want people to have higher qualifications to be able to do things. This is one of those times we could. I know the minister is going to say 'we do not accept this because …'. However, it is a pity if that is the case, because it is a chance for Tasmania to lead the way. Perhaps if we were able to have those conversations with the professional dog trainers one-to-one, if they had been invited to the table, initially, as they should have been, then we would not be in this situation at the moment.

Madam CHAIR - I remind the member for Mersey he has two more calls on the amendment.

[3.53 p.m.]

Ms PALMER - Madam Chair, I begin by recognising the effort that the member for Mersey has put into developing the proposed amendment. The member has actively discussed this issue with stakeholders and the results are considered amendments that reflect some of those stakeholder views.

However, the proposed amendment is not supported, for a number of reasons which I will explain.

The Government maintains its position, as per the bill, that the use of pronged collars should be banned. Pronged collars are designed to inflict pain and discomfort on the animal. There are no welfare bases for their use, and the Government does not support any person using these devices. There are other, more welfare-friendly alternatives available. The bill will amend the cruelty to animals provisions in section 8 of the principal act, to specifically ban pronged collars.

The ban is consistent with the advice from the Animal Welfare Advisory Committee. The committee first recommended the ban after its 2013 review of the act. The ban is supported by the national and Tasmanian branches of the RSPCA, and the Tasmanian branch of the Australian Veterinary Association. I reiterate their views that the use of pronged collars is both physically and emotionally harmful to dogs, and does not constitute a reasonable or justifiable training method when compared with other available methods that do not involve inflicting pain.

In relation to the proposed new review clause, I note that the Animal Welfare Advisory Committee already has existing provisions to review animal welfare laws. The functions of the committee set out in the Animal Welfare Act include the functions to advise the minister on any matter generally relating to animal welfare, to conduct an ongoing review of the laws

relating to animal welfare, and to recommend to the minister any changes in the laws relating to animal welfare.

For these reasons the amendment is not supported. Madam Chair, I will address the comments made by the member for Mersey on Tasmania Police dogs. The advice I have received is that no Tasmania Police dogs are trained or worked with pronged collars.

[3.55 p.m.]

Ms ARMITAGE - I am trying to clarify the questions I asked you the other day, member for Mersey. When you were on your feet, it seemed a little different to what you have sent me and if I could get some clarification. My question to the member for Mersey previously was with regard to a dog - for example, the dog you mentioned that looked quite vicious and was being trained. You said when it was running around it did not have the collar on, it only had the collar on when it was being professionally trained.

My question was about when it went home and it was spoken about how people at home might have them and put the collar on to take the dogs out or if they have problems, whether they have to wear it again. Initially, I thought when a dog was being trained by the professional person, when it was trained it no longer needed the collar. The response you sent me yesterday, if it is alright to read out, when I asked about wearing the collars after:

> The collar is used for training and walking and then taken off. Definitely not to be worn by the dog 24/7, it is also not used to tether the dog out or to secure it in a car. With the vast majority of dogs, the idea is that the collar will not be needed to be used long-term 12 months plus; however, there are some dogs that need them for the life of the dog, depending on the environment the dog will be in.

It seemed a bit contrary to what you were saying before, so I am questioning that when the dog has had its training, it goes home with a pronged collar and the other part, you talked about professional people. However, when I look at the amendment and go down to (c); 'the accused had undergone training'. Now, is that the trainer that is professional or is that the owner of the dog that has had some training from the professional? Because they are not really professional and then I would go over to (d), 'the dog was supervised by the accused, or another person who has been trained in the use of the collar as required'.

There is an owner who takes the dog home, obviously it has to have some training in it. Do they then become professional when a trainer has trained them? I am a little confused. My thought was that the professional was the one that trained them, they trained them for a time, but if that dog still needs to go home with that pronged collar to be used, whether it is out in the street or doing things, then that person that has it obviously is not a professional and how do you police that?

A few questions as I am a little confused with all that. I understand you only have three calls and thought I would ask those questions now.

[3.58 p.m.]

Ms RATTRAY - I would also like to acknowledge the work the member for Mersey has done in putting together these amendments for consideration of the House. I said in my contribution yesterday I had some sympathy for the professional dog trainers in our state and

how they go about their work and obviously, they use a pronged collar. I also have a couple of questions for the member and I know he will need them all, because he will probably need all his speaks.

On your (2A), it talks about 'pronged collar, or similar collar, on a dog' so, what is a similar collar? I am assuming the shock collar and the citronella spray collar are still able to be used, that is my understanding of what we are only dealing with, a pronged collar, so what is 'or similar collar'? A clarification on that and quite a lot of us have been receiving messages from various people, because I know there was some discussion yesterday in regard to if pronged collars were not able to be used, then there may well be an increase in dogs being euthanased.

We did receive some information and I will read it out so it is all on the record. This is from the RSPCA policy and advocacy officer who provided a graph - but I cannot show that on *Hansard* - of the Victorian RSPCA euthanasia rates due to behavioural issues. It shows on that graph that there is a steady decline since 2007-08, therefore before the pronged collar ban and after. The pronged collar ban had no impact, potentially even a negative impact on the euthanased numbers of dogs in Victoria. This directly conflicts with the notion of increasing euthanasia rates post ban.

I appreciated receiving that information. My question would be that perhaps there are fewer dogs bred who may have needed to wear a pronged collar. We do not have that information, I certainly do not have it. I doubt that anyone in this debate would have that information, but in the interest of putting both sides of the argument to the Council, I felt it was important to put that in.

At this stage, I am leaning towards supporting the amendment for professional dog trainers. Not for just anyone out in the community who might decide it is something if the dog cannot be trained under these circumstances with a pronged collar, then as has been suggested, perhaps it is not a dog you need in amongst your family, community, households, whatever. I have some sympathy for Ben, Steve and all the other professional dog trainers we have in the state.

[4.03 p.m.]

Ms LOVELL - I will start by echoing the comments of the member for McIntyre there. We all have some sympathy for the people this bill will impact with their profession and their livelihood. It is important to acknowledge that, but I have some concerns with the amendment and wanted to ask a couple of questions of the member for Mersey. The member for Mersey talked about this is an aversion therapy, and aversion therapy is not necessarily a bad thing and there are lots of different methods of aversion therapy. By its nature, aversion therapy involves discomfort. Wearing mittens to stop yourself from biting your nails is an aversion therapy, flicking a rubber band on your wrist is an aversion therapy, because by its very nature there needs to be an aversion to stop you from undertaking the behaviour. Nobody is arguing these collars do not cause some discomfort to dogs, because if they did not, it is not aversion therapy and they probably would not work the way they do.

I appreciate there are some trainers who might use these in particular ways that might not be seen by some people as acceptable. The question is whether the majority of us here believe that even with those trainers who are using them in a responsible way, whether that is

acceptable to us in terms of animal welfare and whether that is a method that we want to be available for people to use in Tasmania.

My question is related to the comments of the member for Launceston and similar questions. As I read it, this amendment would restrict the use of pronged collars to dog trainers, members of the Australian Association of Professional Dog Trainers or other prescribed body or entity, somebody who has undergone training provided by a relevant training organisation, and appears not to be available for use just by owners. My concern with that is when we had the briefing yesterday, the information provided to us by the trainers was that would not be ideal because there are dogs whose owners do need to use these. The example we were given was an elderly woman with a large dog, who cannot control the dog without a pronged collar. My concern is not necessarily about that, there might be other ways to manage it. My concern would be that if a dog was trained by a professional to behave a certain way because of the use of a pronged collar, then that dog went home to their owner and on an ordinary day the owner was not able to use a pronged collar to reinforce that behaviour, whether that would actually set up that dog and the owner to be in a worse situation.

The dog has been taught a particular behaviour, taught to behave a particular way through use of a pronged collar. However, without the pronged collar it does not abide by that behaviour. Whether that means that people might be in a situation where, because they do not have that tool that was used to treat - this is the thing with dog training and animal training, it is the consistency. You need to be consistent and it has to be ongoing. If those dogs, particularly early on, when they are learning that behaviour, unless they are spending all the time with the dog trainer who is authorised to use the pronged collar, if they then go home to their owner who cannot use that pronged collar, the question is whether that is going to make a more volatile situation and a riskier situation for that dog and that owner and other members of the family or whoever. That would be my concern about an amendment being supported that restricted the use just to those dog trainers. I worry then that would set people up to be in control of a dog which is taught to behave in a particular way through the use of a particular tool that is not available to those people who are spending the majority of the time with that dog.

Like others have said, I appreciate the work that the member for Mersey has put into this. I appreciate the impact that this bill, should it be supported, will have on those people who are in this profession that we have heard from. The question is whether or not this Chamber and this parliament believes that that is a type of behaviour or an acceptable behaviour that we want to continue in the community.

At this point in time, my position is that we oppose the use of pronged collars, accepting that that is going to have an impact on people and being appreciative of that. However, when it comes down to animal welfare and the changes in community expectation this is a change that we should be making. I am interested in hearing the answers from the member for Mersey relating to those questions.

[4.07 p.m.]

Ms FORREST - I, too, acknowledge the work and the thought that has been put into how we support people who are training dogs and believe this is the only way that some dogs can be trained. It was interesting from an email we received from the member this morning, and after talking about this in conversation it seemed to suggest - and I would like the member to reflect on this and perhaps correct me - but it seemed to me that the way that email was

framed, that this is the predominant method of training these dog trainers use. We know there are lots of other methods that are successful.

A small number of dogs are difficult to train no matter what method is used. The question the member for Rumney was putting was, is this something we want to continue as an option in the long term when it has been shown it actually should not always be used in a way that is not aversive and not painful to a dog? The member for Mersey challenged us that we should look at or challenge evidence that is provided and challenge data that is provided from the Government and anybody else. We should challenge information. It does not mean we have to agree with it; we should challenge and test it.

As the member for Launceston - someone - went down the path of talking about the number of euthanased dogs -

Ms Rattray - In Victoria.

Ms FORREST - In Victoria, yes. I actually went to the source document. There is a graph there that I printed out that shows a decline in the number of euthanased dogs in Victoria since 2007-08. It is quite a significant drop from 2007-08 when the legislation was introduced in Victoria to ban the use of pronged collars.

I actually went back a couple of years. There is a lot of historical data on the RSPCA website. I wanted to share the graph provided which shows the decline since 2007-08. In 2005-06 the number of dogs euthanased in Victoria was 4141. It is a high number. Other states, for example, in Queensland there were 6883; New South Wales, 8146. They are high numbers of euthanased dogs. This is 2005, nearly 18 years ago. In Tasmania at the time, there were 344. In 2006-07, the following year, it went down in Victoria to 3926. Still over 8500 in New South Wales, almost 7000 in Queensland and in Tasmania, there were 314.

Then we come to the year leading into the introduction of the ban. In that year, in Victoria, it went back up again to 4419; Queensland was just shy of 7000; New South Wales, 9700. Tasmania in that year was 533.

I then skipped forward to 2020-21, because the data is in that graph, and the source documents are all on the RSPCA website. Over the period from when the collars were permitted for use in Victoria, from 4419 dogs, it went down to 324. It is a significant drop, a reduction in the number of dogs euthanased.

It does not provide a break-up of how many we euthanased for behavioural problems, or how many were euthanased at the request of an owner for ill health or whatever. However, to suggest - as was suggested during the debate - that the introduction of that ban increased the rate of euthanasia of dogs in Victoria is clearly not supported by the data.

We need to remember that the RSPCA gets the most difficult animals to deal with. They are the ones that nobody else wants. They are the ones that are handed in because the owners cannot cope, or they have already bitten somebody, or injured somebody. The RSPCA gets some of the most challenging animals to deal with. Dog trainers probably get some of the dogs that there is still hope for in many respects. Yes, it is a difficult job. Sometimes they will come from the dog trainers back to the owner because they have not been able to remediate some animals who often, as we heard yesterday, have been seriously mistreated which is a terrible

thing, an appalling thing. It does not make the use of any method okay. I am making those points.

I go to the member for Rumney's points. I have the same question for the member for Mersey. If the amendment as proposed was to be supported, it does limit the defence of the use of a pronged collar to a registered dog trainer, registered according to the professional trainers association. If it is used correctly, the accused's defence would be - and I am reflecting on the member for Launceston's question - the way I read it was that the accused person's defence would be that they are a dog trainer, and they have been using it. They have had training, and they are using it correctly. The member for Mersey can answer that.

Ms Armitage - Yes, I was confused about whether they were the dog trainer, or whether they were the owner that had training.

Ms FORREST - I read it as the trainer, because that is the person seeking to use this as a defence, but the member for Mersey can clarify.

Ms Armitage - That was the confusing part, when it goes home with the collar.

Ms FORREST - Yes. I read it that way, but you are right to ask the question. The dog was supervised by the accused, the trainer, as I read it. Otherwise, there is no defence. You have to be a trainer to use the defence, according to this, as I understand it. It was used solely for the purpose of training the dog. On it goes, the dog was not distressed, it was not placed at higher risk of significant injury or death.

The member for Rumney's question then is - and this was raised by the dog trainers themselves - when I asked the question specifically, outside of the dog training world, where people may have more skills in dog training, and the people take their dog to the dog trainer because they have not been able to do it themselves sometimes, or they want an expert to help them, I asked them, 'Who else might use it?' There was a list of people, elderly people with a large dog, people with a disability, smaller people. This would have completely excluded them. I reiterate the question from the member for Rumney about that.

What about those people? If their dog has been trained in a way that relies on that sort of behaviour management to behave safely in public, that is a problem and concerns me considerably.

I know that you can argue whether it is only appropriate when the use of pronged collars is banned in a lot of places. I argue we should look at the available evidence and know it is designed to cause discomfort otherwise it does not work. That is the purpose of it. Pain, discomfort. An unpleasurable experience and that is how it is designed to work. Otherwise, it would be designed differently.

With those questions in my mind and trying to understand, is there a place at all for pronged collars in Tasmania? I acknowledge and absolutely hear what the dog trainers who use them are saying, but they must also - surely - rely on other methods to train dogs.

Not all dogs need this. I do not have a dog, but my husband did have a dog. She died of cancer some years ago. She was trained by a positive reinforcement guy. She was a kelpie and liked to chase things. Liked to round things up, particularly cattle and anything that had

four legs. She also liked to try to round up two-legged animals or birds. She was trained and would soon return, or she would actually look at the birds on the beach, and think, no I am not allowed to go there, am I? You could see her thinking it, and she would dutifully come back. Damn it, I want to chase them. She was allowed to chase seagulls occasionally, but she knew the difference between seagulls and hooded plovers or white oystercatchers. She knew the difference.

They are smart, but mostly she would just bark at the seagulls. If she saw a little hooded plover on the beach, she would actually walk out around it. She would take a wide berth, because she knew that was out of bounds to her.

Ms Lovell - She probably had some aversion therapy after she had been swooped a couple of times too.

Ms FORREST - Well there were not many plovers on the beach. The little hooded plovers do not swoop. They are tiny little things.

Some dogs can actually get swooped by plovers. I have been swooped by a plover and it is not very pleasant.

The question is for me, is it a reasonable thing to continue the use of? Even if you restricted it just to dog trainers, because when you are training a dog, this is the way the dog will respond, and you need this sort of stimulus to get the dog to behave in a sociable manner. I have concerns that is not an appropriate management tool, if you want to call it a management tool.

I will listen to other members' comments, but even restricting it to registered dog owners, still creates the problem of what after that. How do we manage a dog beyond that point who may act in antisocial behaviour? Maybe a large dog with a small, frail, disabled, elderly person seeking to keep that dog under effective control.

As the dog trainer yesterday told us, the only way for some of them to be sure of that is to use a pronged collar. If that is the case, I do not think that is a safe dog to be out and about, quite frankly. If they need that sort of level of control and cannot be controlled in another way that is not painful or is not causing a negative experience for the dog. That is not the way I want dogs to be socialising in our community.

As I said, I have been bitten by a dog, two dogs, in fact. One was a very large German shepherd, and one was a small little yappy bitzer. We have seen children and adults severely injured by dogs.

Some people do some terrible things to dogs and you can understand why a dog might respond. That itself is a matter for this bill, the Animal Welfare Act, to deal with separately.

I am yet to be convinced we should not ban pronged collars, but I will listen to rest of the debate.

[4.20 p.m.]

Mr VALENTINE - Like everybody else, I thank the member for Mersey for the work he has put into this. He has done his best to put the case for this amendment. It is the middle

ground as what is being proposed in this amendment is not an outright ban, but that only professional dog trainers be allowed to use them to train dogs.

The comment was made that this may allow a person to own an animal and take it into a public place. My concern is if that person lets that dog go and the dog then free roams, if it is the sort of dog that needs a pronged collar to control it, what damage could that dog do on the loose as opposed to other dogs that may be trained in a different manner? The concern would be if they are not in the hands of a professional trainer. I understand the principle that is being put with regard to the use of these collars and the observation it is only one other state - Victoria - that has the ban in place at the moment. These things start somewhere and I do not know that it is a reason not to progress it in Tasmania.

The misuse of the devices is one of the concerns been put forward by the Government and the resources required to monitor the use of these devices. They seem to be the main issues, or a couple of the issues I heard the minister talk about, correct me if I am wrong. The picture of the dog we saw during the briefings with the injuries, that was through constant wear. It is an example of what can happen if such things are allowed to exist. Where I come to on this, and it was the member for Murchison that pointed out they are designed to inflict pain. That is the principle. My observation there is so are guns, so are calf anti-suckling devices which the member for Mersey pointed out, so are bull nose rings, so are girth ropes used in rodeos, so are the caging of sheep dogs for extended periods of time when they are not able to be used herding sheep.

I was on a farm on one occasion where there were sheep dogs in a cage and there was a roaming sheep dog on the outside. This dog was taunting and the dogs inside the cage were protecting their territory and happened to put their nose out through the cyclone wire fencing that was keeping them in and the other dog caught the nose and here they were locked together. One on one side and the other on the other. These things can happen. They can happen in normal farm-type situations. Cattle prods are another thing. There are devices that are used to stimulate bulls for collecting semen, electric prods. They are all examples of pain producing devices for animal control and unfortunately, that does not provide a reason to allow these collars to be legal. However, what it does point to is there is a power of work for parliament to do to address those other areas so we can reduce such devices that basically are there to inflict pain. I believe it is the community expectation - and I thought about it overnight, yes, the community is increasingly considering animal welfare in this regard. I understand that it might cause some issues for those who are running a business. It is quite obvious that it is going to be detrimental to somebody, I do not think that is misunderstood. Most people understand that, and so it comes down to, do we hold back on how we handle such devices, that we confine them only to professional trainers because we do not want to see overt damage to somebody's business?

I do not think anyone would want to see someone financially disadvantaged through this, but it is going to occur. The people who sell the pronged collars, they are not going to be able to sell them if they are banned. In fact, you cannot import them, and I believe they are made in Australia. Are they made in Tasmania? Maybe the member might be able to tell us that, whether they are made inside the state.

The community expects us to look at laws that protect animals, that are there to not inflict pain on animals, and are there to try to produce a society that wants to see animals cared for. I am not in favour of supporting the amendment, but it does not go without appreciation for the

work that has gone into it by the member for Mersey in advocating for those who want to see them continue.

[4.27 p.m.]

Ms WEBB - I will try not to cover too much of the same ground, I agree with many of the comments that have been made already. I appreciate the intent of this amendment, and it is well crafted to achieve the intent. It is very thoughtfully done to try to make it as narrow and constrained as possible to carve out an opportunity for particular - what would be seen as - potentially appropriate circumstances under which pronged collars could be used. A lot of care has gone into that.

It does come back to a core question, given that it is a well-crafted amendment that would serve the purposes it is intended to serve, the core question then is do we think it is fundamentally okay to be using pronged collars? Or are they something that we fundamentally believe are not the way, going forward, in training animals, given that they are an aversion training of that sort?

I accept that aversion training does not have to mean pain; it can mean discomfort or something that is unpleasant enough to break a habit, in a sense. However, there is the potential for more than discomfort and more damage than just a prompt to change a behaviour or a habit. It has been interesting to listen to the reflections on the amendment. We could delve into the detail of it to some extent, but fundamentally we come back to the core question anyway.

I still feel quite torn. Through the direct representations we had yesterday and the material provided by the member for Mersey, we are very aware that there are businesses that will be affected by this. It is quite a weighty thing to realise that that is going to be the case. I do not think we will generally accept that we would make legislation or shape legislation for the purposes of particular businesses - ha, she says, with a slightly ironic laugh, because at other times that is exactly what happens. It is potentially the Government that does it at times, governments of any flavour can be tempted to make legislation that benefits certain businesses.

In this case, fundamentally the principle is we would not. We would do it on the best available evidence, we would do it in a way that does not have to follow others. We can be leaders in this if this is what we are pointed to as the best available evidence and the best available way forward.

My inclination is to not support the amendment. I am quite interested in the other amendments that are there and what is to become of people who are currently using pronged collars, not in their training business, but maybe in other circumstances. How can we ensure that those people can continue to own a dog safely and appropriately if pronged collars are banned under this legislation? I am quite interested in that. Another amendment touches into that space. I am quite interested about a review of this too. If we are to be one of the first states to go forward with it, it would be useful to understand the impact from the ban.

A review of that would be an important way for us to check back and see whether the outcomes we hoped and expected to achieve with it have been achieved. Also, what other potential impacts have happened, particularly to businesses and to individuals who were currently using pronged collars, and then had that ban come down if this legislation brings it in.

I will leave it as that in my contribution. I am relatively certain that I am not able to support the amendment, and I thank the member for faithfully representing members of the community who needed to be represented in this debate and bringing it forward for proper consideration.

[4.32 p.m.]

Mr GAFFNEY - Madam Chair, I appreciate the comments and the questions from all members. If I do not answer one of your questions please remind me at the end and I will try to go through them.

It is important, as I said before, the Animal Welfare Amendment Bill - the Animal Welfare Advisory Committee is made up of the RSPCA, the vets association, and a representative of the TGFA, as I am aware. I think I have covered the gambit. I suppose one of their pure goals is the welfare of animals, which is fine, but this is where the barrier is drawn.

When you listen to members, they have said discomfort equals pain or cruelty. I do not believe that is the case, having been raised on a farm, having had those experiences, and none of my dogs, none of your dogs probably have ever used pronged collars. They have never had to. You have not had to resort to that, so it is not a commonplace thing. It is not that common.

However, for those people who have taken the advantage of using a professional to help them manage their dog, what is wrong with that? The dog is shown a little bit of discomfort. Do not go there. You cannot chase that. Those were not unhappy dogs on that video clip we saw. I could not believe it, in three weeks that dog was walking straight past one of the chickens and three weeks before it was chasing it.

That is where the group, the professional dog trainers, are frustrated because they know that we are not speaking from a place of experience. I sometimes feel inadequate in this place putting this out there, because some of the comments that have been made are not correct. They do not have the experience nor the accuracy to say that is not right because I was talking to so and so, and that is not how it works.

My question to the minister, when it gets royal assent, what will be the fines for some of the users? What is the result for a person who has an animal controlled by pronged collars? How long do they have to get rid of the pronged collars? What is in the space there? What is the fine going to be? Is there a grace period? You have to get rid of your dog within a month if you do not want to have the pronged collar.

There are those the sort of things that I would be interested to hear about, passing that question over.

It is interesting that the use of a pronged or similar collar on an animal comes from the original amendment bill. Those wordings have come from OPC. Obviously, they saw a chance that somebody could come up with a collar that is not technically a pronged collar but has the same sort of mechanisms to it. I do not know. I have gone with what -

Ms Rattray - That was my question, member. Thank you.

Mr GAFFNEY - Yes, sorry. I have gone straight back to the original, and that is what I was given by OPC. I am assuming it might be the one that is not the pronged collar that we

would see, but it has the same impact of a pronged collar. I think they would put that as 'or a similar collar'. That is how I looked at it.

Interestingly, I looked at the (a), (b), (c) and I read that differently. The member for Rumney raised it as well. If, at the time, the accused was a member of the Australian Association of Professional Dog Trainers, they would have had to do the training to actually be in that position. The collar has to be in use.

> The accused had undergone training, provided by a relevant training organisation, …

Now, I read that as, if I am the owner of a dog, and I go to the member for Huon - because apparently his dog care is improving all the time, and he is a professional and will work with the dog - I would then have to undergo a module of training provided by them, to show that I have 'undergone training, provided by a relevant training organisation', so that when the dog comes back into my place, I know how to use the pronged collar correctly. Otherwise, that means the only person who could manage the dog would be the professional dog owners.

That is how I read it. I see that they go to the professional.

Ms Webb - Through you, Madam Chair. It does say 'and' after that.

Ms Lovell - Yes, and has to be a member of -

Mr GAFFNEY - Yes, but if you do that, that means what you are saying is that 'and all of those'.

Ms Webb - Yes.

Ms Lovell - That is right.

Mr GAFFNEY - No, that is not correct, according to OPC. It says if at the time the dog offence occurred, the accused was a member of the Australian blah blah blah. Then you can also add 'if at the time the offence occurred … the accused had undergone training'. The 'ands' are there to say 'this is the collective'. It does not have to be all of them. I have had that conversation.

Ms Armitage - Through you, Madam Chair. Can I clarify, then, while you are answering my question, the professional is the dog trainer?

Mr GAFFNEY - Yes.

Ms Armitage - I was right when I was thinking the other person is the owner of the dog, who has actually been trained by the professional to know how to handle it when he takes the dog home.

Mr GAFFNEY - Yes.

Ms Armitage - He is not really a professional, is he?

Mr GAFFNEY - No, but the responsibility is of the professional dog trainer. You cannot expect them to give the dog back without giving any training to the person who owns the dog about the correct use of the pronged collar. That is how I read it. It was clear to me. It says 'the dog was supervised by the accused, or another person who has been trained in the use of the collar as required'.

Ms Armitage - Through you, Madam Chair. It is clear; but the part that was not clear in the amendment was that we were allowing professionals to use the collar. However, according to the amendment, we also then allow the dog owners who have been trained by the professional -

Mr GAFFNEY - Who have been trained, have done the module.

Ms Armitage - So, it is not just professionals who are using the collar; it is someone they have then trained. It is not really a professional; it is an owner with training. I would not call them professionals, because they have not been trained by the prescribed organisation. That is what I am trying to understand.

Mr GAFFNEY - My interpretation of it is that the professional dog trainers would do the training with the dog to help modify the behaviour. It was your dog, you would have had to have done a module to understand how to use that correctly when you want to walk the dog down the street.

Ms Armitage - That is right, but you are not a professional, are you?

Mr GAFFNEY - No.

Ms Armitage - However, you are allowed to use the pronged collar.

Mr GAFFNEY - You are. You have to be able to, if it has been done.

Ms Armitage - However, I thought it was only professionals who could use them, according to this.

Madam CHAIR - Order.

Mr GAFFNEY - The professional trains the dog to modify the behavior, and then did you think that when they give the dog back, the owner cannot use it?

Ms Webb - Yes, that is how it reads.

Mr GAFFNEY - That is not how it should be. I do not read it that way, and nor do other people. For the record, if that is the way that we are reading it, that is not the intent. The intent is that the professional dog trainers would work with the dog to manage the behaviour of the dog. When they give the dog back to the owner, there is a responsibility on the owner to upskill in their management and have the module. The Professional Dog Trainers of Australia said they have a module that people can work with, to show them how to use the pronged collar effectively and appropriately. It would be ridiculous to think that the owner was not trained in that. I did not see it that way.

The member for Rumney talked about discomfort and cruelty and pain. I do not see that it is the same thing; if it is used correctly, it is discomfort.

Ms Lovell - Through you, Madam Chair, I talked about discomfort, I did not talk about cruelty. I said that pronged collars caused, at minimum, discomfort to dogs. If they are aversion therapy there needs to be a level of discomfort.

Mr GAFFNEY - As there would be in a lot of things; that is not unusual in aversion therapy. Okay, sorry, my fault. With all due respect to every member, because it happens when we discuss these sorts of bills, I do not think we are talking from a place of experience here. I had people talking to me last night saying, 'how can they say that? That is not correct, they have misinterpreted what this is used for and how it is used'. I do not have the words to put it here well enough.

I used the example yesterday of behaviours and statistics because in the briefing we had somebody say that the RSPCA never euthanased a dog for behaviour problems. That was said in one of the briefings yesterday. I was shown, in the RSPCA's annual report, that is not correct. It showed six out of the 19 dogs were euthanased for behaviour problems. That is why I went to that aspect.

There is no suggestion that all dogs need pronged collars. As I have said before, there are many dogs that will never use a pronged collar. However, for a family that has a dog that they are concerned about, they want professional help. Professional help is not the person who is going to stand there and say, 'here, have this all the time; aversion therapy'. The Professional Dog Trainers of Australia challenged the RSPCA to show what evidence they had. They said, remember, they had $100 000 if they could have somebody who had that therapy and could work with a dangerous dog.

Perhaps it has been debated in New South Wales and Western Australia and South Australia and they have proven that it was not acceptable to ban pronged collars. I was surprised when it took so long to get an answer from the advisers. That would have been one of the first things you would have done - gone around all the states and territories, see what legislation was in place, and ask if there was an amendment, or has there been a draft bill, and what happened. I was surprised that it took so long to come back with an answer.

The community considers animal welfare; that is correct. The community is ready to make sure our animals are not treated cruelly. It is unfortunate, when you see the front page of the paper, or the middle page, and you see a malnourished or a maltreated animal, whether it be dog, a sheep, a cow or whatever. That is unfortunate. Then we also see the hysteria about a pronged collar, which is a management tool. We are saying, okay; if you are going to have this dog and you want to manage it and it is going to behave, not only does it have to go to a professional dog trainer who can use a pronged collar, but you have to do the module training as well. It is some responsibility on the owner, then. You have to do that. If you want that dog, and you are going to send it somewhere, then the onus is on you and you have to take some sort of training so you know how to use it properly as well.

As far as I know they are made in Australia. I have no information that they are made in Tasmania. I thought if that was the case, I would have been told. This is not just about the businesses, even though there will be some businesses out there that will be impacted. This is about dog owners, who own a dog that they do not know how to manage, and they cannot

afford to go two hours a day up the road to doggy school with their dog. It is not just about this, it is about dog owners. I would be surprised if there are many owners of dogs out there who say, 'I am so pleased my dog went to that school or that professional development training place because my dog has come back and I can manage it now, because I have this pronged collar'. It does not hurt them. There is no discomfort. We saw those dogs running around with it. There is no pain. There may be discomfort if they do the wrong thing. The one that surprised me the most, that large aggressive dog, I thought the pronged collar was still on it three weeks later or when it showed it at the end but it wasn't, it was a slip chain.

I have asked the question about what the Government is doing when this ban goes in place. I apologise to the professional dog trainers in that I have not presented their case very well or to the extent it should have been, because the decision we are making here today is going to be the wrong one, but that is the will of the parliament. We have not given this due consideration. I hope with other animal husbandry issues or domestic pets we do, that we get those stakeholders in right at the beginning, not leave them outside and off the list, because it is rude.

[4.46 p.m.]

Ms LOVELL - I want to clarify this once and for all. There is still significant confusion over what this amendment will mean. Before I get to that, I wanted to respond to a couple of comments the member for Mersey made, particularly when the member for Mersey spoke about we are not in a place of experience to be able to speak about the use of this particular type of collar. We are not dog trainers. We are not in a position to speak about pronged collars with accuracy, but that happens a lot. I am not a lawyer. I am not a teacher. I am not an electrician. We talk about a lot of legislation we are not experts in and this is no different in my view.

All we can do in this position, as we do with every bill we debate, unless it is something that you might have had an history in, is consult with stakeholders, weigh up the evidence that is presented before you and make a decision based on that. Not being in a position of experience to speak about the use of pronged collars and how they can be used responsibly goes both ways. I am not in a position of experience in terms of I am not an animal welfare expert either. I cannot talk about from my own personal experience whether they are cruel, cause discomfort or pain, or how much discomfort or whether they cause pain. All we can do is make a decision based on the evidence presented to us.

It is not accurate to say there is hysteria over pronged collars. I do not think anyone here is being hysterical. We are being quite reasoned and listening to the arguments being put forward and weighing up that evidence. There is still significant confusion over what this amendment would achieve. As I read this amendment, and the member for Mersey has said this is not the way it is intended and not the way it should be read, but I am not convinced of that because it is the way it is worded by use of 'and' between each of those subparagraphs, not 'and/or', or 'or'; it is 'and' which means that not only does paragraph (d) apply:

> the dog was supervised by the accused, or another person who has been trained in the use of the collar as required under this subsection, while the dog was wearing the collar.

That to me does not mean an owner who has undergone a module of training, because if you go back to the beginning and go back to (a) the first eligibility for this, it says:

(a) the accused was a member of the Australian Association of Professional Dog Trainers Inc … or other prescribed body or entity … ; and

(b) the use of the collar was in accordance with the procedures and protocols of the relevant training organisation; and

(c) the accused had undergone training provided by a relevant training organisation …; and

(d) the dog was supervised by the accused, or another person …

who had also met all of these criteria and the use of the collar was solely for the purposes of training the dog

Which also raises a question about whether training has to mean inactive training or whether that means you are taking your dog for a walk. If you are taking your dog for a walk using a pronged collar I do not know that it is training the dog. That is taking your dog for a walk and then it becomes a behaviour management tool rather than training tool. There is a difference between the two.

(f) the dog is not unreasonably distressed as a result of the presence, and use, of the collar; and

(g) while wearing the collar, the dog was not placed at a higher risk of significant injury or death.

I do not think this amendment does mean that an owner who has been trained by their dog trainer can then have this as a defence for the use of a pronged collar, because they still need to be a member of the Association of Professional Dog Trainers, or other prescribed body.

I am seeking some more clarity on that, because the use of the word 'and' means that all of those subparagraphs apply, not just one or two.

Mr GAFFNEY - You are correct, Member for Rumney.

I have missed, my head space was different, but you are correct, and I think this is just pertaining to the professional dog trainers doing that stuff, so I apologise for my misinterpretation but you are correct. I agree with that.

Ms LOVELL - Thank you.

That then comes back to my original concern, which is if the dog trainers are able to use pronged collars and they are not banned for dog trainers and then those dogs go home to an owner who cannot use the pronged collar to reinforce that training, that then leaves that owner at risk of having a dog they cannot manage, because they are not allowed to use the tool that the dog has been trained to behave with the use of.

It also does not cover then those people the trainers we heard from were pretty clear that it would need to cover, being, as the member for Murchison mentioned, elderly people, people with disability, small people, young people, service dogs.

My concern remains. In light of that and unless there is other information to the contrary, I am still leaning towards not supporting the amendment, but thank you for that clarification.

[4.51 p.m.]

Ms RATTRAY - I appreciate the exchange we have just had between the member for Rumney and the member who has moved the amendment.

I am interested to hear what other members think about the implications, but particularly, it might be useful to hear from the minister, in what the intent of that is with the 'and' in it.

I am interested in whether the member still stands by his notion, or expectation, that an owner still could use a pronged collar to tether their dog or whatever that might be, once they have taken it away from the professional training organisation. If it is only going to be for dog trainers and we hear the discussion on how do you manage your dog once it leaves the training facility - or do we assume once it has been fully trained then it does not require the pronged collar at a later time?

To acknowledge again the member for Mersey's huge commitment to this. You are underselling the effort you have put in here, member, in attempting to represent what may well be a small group of Tasmanians. They absolutely deserve as much consideration as those people who sat on the Animal Welfare Advisory Committee and came up with this initiative and presented it to the minister, who has progressed it. Do not short-sell.

Madam CHAIR - I am happy to hear from the minister. She did want to speak, so I will call the minister.

[4.53 p.m.]

Ms PALMER - A number of concerns have been raised on the member for Mersey's amendment. To touch on those, because there has been much discussion around it.

The proposed amendment, it is important to remember, has not been consulted on. We have not sought the views of Animal Welfare Advisory Committee and indeed, we have not sought the views of the broader community.

There are challenges with enforcing the pronged collar amendments as proposed, and I will briefly touch on some of them.

Particularly, the procedures and protocols of the relevant training organisations may not satisfy contemporary animal welfare requirements. Training is not defined including whether it is short-term or long-term training

As some other members had noted, currently as drafted paragraph (d) could see a person asserting they are trained to use the collar and are training their dog, whenever a collar is in use. As drafted, there is that potential for uncertainty with that.

Subparagraph (f), determining what is unreasonably distressed may be difficult. The second amendment, the insertion of subsection (3AA) may lead to the unintended outcome of a rush of dog trainers and others who have not normally done so seeking to obtain and use pronged collars before the ban in order to take advantage of the grandfather clause.

I want to address comments that the member for Mersey made with regard to the processes, if the amendments to the bill as presented by the Government get through. In accordance with the department's published compliance and enforcement policy, the department's approach is that the focus initially will be an education. It will be warnings. The department's approach is going to be to inform and to educate. More formal action, such as infringement notices or prosecution, is generally left to the last resort. If there is noncompliance, then appropriate action will be taken.

I reiterate, and it has been mentioned by other members, that pronged collars are designed by nature to inflict pain and to inflict discomfort on an animal. If it did not do that, we would not have them. That is the whole point of a pronged collar. It is important to remember that the ban is supported by the national and Tasmanian branches of the RSPCA, and the Tasmanian branch of the Australian Veterinary Association. I reiterate their views that the use of pronged collars, as we have already said, is designed to inflict pain and discomfort. It is not just physical. It is also emotionally harmful. That is the advice that we are given by the experts in this place, that it is emotionally harmful to dogs. It does not constitute a reasonable or justifiable training method when compared with other available methods that do not involve inflicting pain.

Ms WEBB - I wanted to make an addition to my earlier comments. To clarify, in my first contribution on this amendment, when I spoke about the careful drafting and the narrowness of it, it is because my understanding was that with 'and' after each of those subsections, all of those things needed to be in place. That had been my original reading of it. We have had it now clarified that is the understanding. That then does raise concerns about that.

[4.57 p.m.]

Mr VALENTINE - I know I have raised this issue with 'and' before in this Chamber. To my mind, on those other occasions, it has been read. It says here, 'it is a defence in proceedings for an offence under subsection (1)' et cetera. Then when you get to the end, it is a defence that 'the use of the collar was in accordance with the procedures and protocols', and it is a defence that 'the accused', so that each one of them is a defence. Not collective.

It would be interesting to know what OPC thought. I do not know whether the member can tell us that. I have questioned it before, saying that these ought to be 'or' if it is separate. That has not been the answer that has come back. I still stand by my question with regard to what this amendment means. I do not know whether I am going to get any clarity from the member for Mersey. That is the way I still read it. Either way, I still do not support it.

Madam CHAIR - The member did clarify it.

Mr VALENTINE - I do not think that he clarified it from OPC. I think he just re-read and thought yes, that is what it means. I am not sure. The member might like to clarify while I am on my feet. I do not know.

Mr Gaffney - I will talk to it. I only have one more speak.

Mr VALENTINE - Oh, you have one more speak?

Mr Gaffney - I have one more speak.

[4.59 p.m.]

Mr GAFFNEY - Madam Chair, I apologise for my lack of understanding. My thoughts were that when we dealt with this and we finished last night with second readings, that the amendments would have probably been next week. I thought we would have gone into the Committee stage next week, which would have given us more time to go through the amendments. I said yesterday that they were going to be drafts that came out. Then we have gone from 9 a.m. this morning all the way through with briefings. There has been no time to have a look at it. That was my misinterpretation. It has probably been refined like that so that if you wanted to take your dog to a professional dog trainer and they could stop it chasing chickens in three weeks, good on it. They are professionals and they would do that. They would give it back to you and hopefully the dog is not going to chase any chickens or do anything wrong around the road and that sort of thing.

From that point of view, I see there is a role for that organisation in dog management. Whether they want to use the pronged collar or not, on their professional assessment it has had good results. I suppose if you do not use the pronged collar, that is fine. You can wheel your dog down the road on a piece of binding twine or piece of string that will tighten and choke the dog on the road. Nobody is going to notice and nobody is going to pay any attention to that. This is a way of professionally managing dogs that have behaviours that are not appropriate when they are around other people or when they are around other dogs or cycles or whatever. If this means that when they go to that training facility that is what the person does, I do not think any professional dog trainer is going to give any dog back to the owners if they think it is dangerous for other people. That does not make any sense to me. They pride themselves on doing a good job.

We have missed an opportunity to put into our welfare act - and we expect that when there are dogs that cannot be managed by the layperson, that they can go away and effective management control is undertaken by that group who have good results out of things. I will go back to the one with the savage dog at the cage that we then saw so many weeks later was reintegrated, acceptable and off the pronged collar, and was running around. We saw how that dog was when the person was moving its hand up and down to try to feed it, that that was not the case. The person who owns that dog said it was sent to him from interstate. Dog managers have tried to manage it and they could not by using the friendly positive reinforcement because the dog had taken control and was more aggressive because of that.

That being said, I am pleased that the Government has mentioned something about how they are going to respond when this act comes into being. I suppose these businesses using the pronged collar will close down. That is where people will go first. It will be interesting to see what sort of results will come about. I thank all members for their input into the debate.

[5.03 p.m.]

Ms RATTRAY - I might as well use my last speak as well. I want to support the member for Mersey, but also appeal to members to consider that an owner of a dog, who wants to keep their dog and they are having behavioural issues, they take it to a qualified dog trainer and they can undertake the control methods that they need. If a pronged collar is one of those, a registered dog training facility, then why would that not be okay? If the dog cannot be controlled outside of the professional dog trainer area, then I am sure that the dog trainer would say to that owner family, you might have a problem with this dog. It has some sort of behavioural temperament. You might have to consider whether you want to keep it as a pet, or how you deal with that outside.

This is a tool for a professional body, a professional person, and they will make the assumption of whether it can be put out into the public arena. They would give that advice. These pet owners would not take that pet and go to all that trouble if they did not want to keep their dog. If they thought there was an issue, or if they have been informed that there was an issue with its behaviour because it has been through the training, but it has not been able to pass the test to be socialised, then they will make the decision about whether they keep it as a pet or how they deal with it.

This is a sensible amendment. You do not shut down a business and you still give options for people who want to control their dogs. These owners must love their pet, or they would not be paying for professional dog training and go through this process.

This is a perfectly reasonable amendment - particularly when I still feel that there has been very little consultation with this part of the industry. It is all right to say 'AWAC arrived at this'; but the member for Mersey outlined that the people who are seated on AWAC have a different focus than a dog trainer might have in this respect.

Mr Gaffney - I thank you, member for McIntyre. If you look at (2A) (f) and (g), it says 'the dog is not unreasonably distressed as a result of the presence … of the collar', and 'while wearing the collar, the dog was not placed at a higher risk of significant injury'. The dog is protected with this.

Madam CHAIR - Order.

Ms RATTRAY - I urge members to think hard about shutting down a business, education or not, when we come to this place without a lot of knowledge and skill in various areas. I am not a lawyer; I am not a road engineer; I am not a lot of things; but when it comes to supporting our community, that is what I am good at.

I am going to support the amendment.

[5.07 p.m.]

Mr HARRISS - I thought I had better get up, because I have been selected a couple of times through this debate, and clarify something from an earlier comment from the member for Murchison. I am one of those people who can only chew gum or walk. I cannot do both.

Madam CHAIR - That was a different debate.

Mr HARRISS - I support the amendment. It is put very well, from a dog training point of view, and it has been very well put across by the member for Mersey.

I find it a little challenging as well, that the Government has said that the pronged collars issue has been on the radar since 2014, and yet they have struggled to come up with good evidence to say this is why. I understand that the RSPCA does not support it; but I find it hard that in eight years we have not had much evidence, that I can see, to support their case.

Ms Rattray - There have not been charges.

[5.08 p.m.]

Ms PALMER - Madam Chair, I will make a couple of comments. I appreciate that if this gets through it is going to be a change for some dog trainers in Tasmania. However, dog training organisations can alter their methods. There are other methods available, and they did that in Victoria. It is also important to remember a statement that was made by the Australian Veterinary Association (AVA) Tasmania branch.

They stated:

> The Association has a policy that pronged collars must never be used under any circumstances due to their highly aversive nature.

I ask members that they do not support this amendment.

Madam CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 10**
Mr Gaffney	Ms Armitage
Mr Harriss	Mr Duigan
Ms Rattray (Teller)	Mr Edmunds
	Ms Forrest
	Mrs Hiscutt
	Ms Lovell
	Ms Palmer
	Mr Valentine
	Ms Webb
	Mr Willie (Teller)

Amendments negatived.

Clause 6 -
Section 8 amended (Cruelty to animals)

[5.14 p.m.]

Mr GAFFNEY - I move an amendment to Clause 6, to vote against the clause.

I will not speak long on this, but I will put it on the record. Having increased my knowledge of the issues from all sides in the use of pronged or similar collars on an animal does raise the point that whilst this bill may be seen as a place for it, there are already strong provisions within the Dog Control Act.

The Dog Control Act sets out the law about legal obligations of dog ownership, including their care, control and owner responsibilities for damage caused by their dog. Local councils can also introduce by-laws about dog control areas, et cetera. I actually believe if we voted against this clause, it would be better placed within the Dog Control Act and whilst we have said there are other animals that might have pronged collars, I am yet to be shown one or told about one where that might happen.

I also acknowledge that when we had the debate in 2013-14 about pronged collars it was said it was better off there. However, now that I have seen what they are trying to do, it should be in the Dog Control Act. This is all about behaviour management, a level of control to impact behaviour and different types of methods of doing that. If in that amendment we just said no to, was in the Dog Control Act, local councils look after the Dog Control Act and local councils would go out to the professional development training organisation, they would ensure that was encouraged. They would ensure the dogs were not distressed, because that was (f) or (g) on the amendments. That would be their role. As they would when a person applies for a dog kennel license, whether they have three dogs, 12 dogs, whatever. That would be a good place for this to be managed and put there and it would have more of an eye of the local councils to have that control than somebody going around who has no responsibility to see 'oh, is that a pronged collar or not, I am not sure'.

There is no responsibility with this act other than on the owner or somebody who dobbed somebody in. Where, if it was in the Dog Control Act, we would have 29 councils looking after that. There would be some control. The Dog Control Act says, the use or not of behaviour management collars would be better defined in the Dog Control Act. In section 4, it is dog under effective control. That describes how a person must be able to control and restrain the dog. Section 8, cruelty to animals, with an extensive and wide-ranging scope that covers virtually any action that can affect the wellbeing of any animal in any way. Section 11, collars. That speaks to the requirements to have one, but nothing on the specification or design or on the use of harnesses. Therefore, in that section 11, that is where you put in the section on pronged collars. Section 19, dogs attacking persons or animals, that describes an extensive variety of distressing scenarios or legal penalties by out-of-control dogs. There are other sections about dangerous dogs and management policies that would also bear fresh scrutiny.

My first thought when I came to this place was I would put this one first to see if I could get it out the act and somewhere else, and then I realised that was not proper process. We had to go the way we were, which is fine. I still believe this whole section would be better off in the Dog Control Act of 2000, because that is what we are doing. We are controlling the dogs. Not any other animal that I know that has a pronged collar. Maybe a goldfish.

[5.18 p.m.]

Ms PALMER - To reiterate, the ban on the use of pronged collars does not just apply to dogs. This applies to all animals, not just to dogs. The issue is whether the use of pronged collars should be outlawed on the grounds of animal welfare and the Animal Welfare Act is the principal Tasmanian legislation concerned with animal welfare. It is the most appropriate legislation for dealing with this issue.

Mr GAFFNEY - Minister, can you enlighten me about what other animal you are aware of that would have a pronged collar?

Ms PALMER - I will seek some advice. Madam Chair, in answer to your question, member, hopefully, none.

Clause 6 agreed to.

Clauses 7, 8, and 9 agreed to.

Clauses 10, 11 and 12 agreed to.

Clauses 13, 14, 15 and 16 agreed to.

New Clause A [Section 15A inserted]

Clause 15A. Section 50A inserted

After section 50 of the Principal Act, the following section is inserted:

Clause 50A Review of amendments relating to pronged collars

(1) A review into the operation of the amendments relating to pronged collars, or similar collars, that were made to section 8 of this Act, by the *Animal Welfare Amendment Act 2022* is to be conducted by the Minister and tabled in Parliament within 2-years of the commencement of the *Animal Welfare Amendment Act 2022.*

(2) In undertaking a review for the purposes of this section, the Minister is to seek public feedback on the operation of the amendments.

Mr GAFFNEY - It is fairly self-explanatory.

Madam CHAIR - You need to move the new clause be read the second time.

Mr GAFFNEY - Madam Chair, I move -

That the new clause be read the second time.

Mr GAFFNEY - It is fairly self-explanatory. What it is trying to do is within two years from the commencement, come back with a report on that. It is not just about a review into the operation of pronged collars or similar collars made to section 8, come back with a report to the parliament and seek public feedback on that as well.

[5.21 p.m.]

Ms PALMER - In relation to the proposed new review clause I note the Animal Welfare Advisory Committee already has existing provisions to review animal welfare laws. The functions of the committee, as set out in the Animal Welfare Act, include the functions to advise the minister on any matter generally relating to animal welfare, to conduct an ongoing review of the laws related to animal welfare and to recommend to the minister any changes in the laws relating to animal welfare. To reiterate, the committee already has existing provisions to review animal welfare laws. For these reasons the amendment is not supported.

Ms WEBB - On that, they do have those tasks to review, which does not mean they will. It particularly does not mean they will review this aspect. I understand the member for Mersey's inclination to put this amendment forward to have this significant change reviewed after a period of time, to see what impact it has had. If we are not to see this amendment passed the minister could provide an assurance that she or another minister in her Government, if somebody changes into the role, could confirm that it will be a request of the committee that the advisory group in a two-year period will undertake a proactive review of this element and come back. That review would involve consulting with the stakeholders who would have been

affected by it. It would be reasonable to confirm it will be done if it is not to be legislated for, that it would be made as a commitment.

[5.25 p.m.]

Mr GAFFNEY - Does that mean you are supporting the amendment? This clause would allow an examination of the operation of the ban and any amendments that are connected with it. The consequence of the ban could be explored in terms of general changes in dog behaviour management practices. There is scope for public input into such a process. Similar reviews of this nature are an increasingly common and useful part of new legislation. A review would allow an objective examination of the wider impact of any amendments related to pronged or similar collars, including any changes in the number of dogs that have been destroyed for behavioural issues.

This would make it very clear that within a two-year period a report would come back to the parliament purely focusing on the pronged collars and what impact that has had and allow stakeholders to have input into that review. If we already have the body set up that would do that, that is fine. There should be no issue putting this into legislation to make certain that that is agreed to and those things where stakeholders are asked to be involved and where numbers of dogs that are euthanased is tabled in this place. If the Government is going to introduce legislation, then I would think that the right thing for us to do would be review it in a way that makes certain that it is objective.

Ms PALMER - I am completely satisfied with the Animal Welfare Advisory Committee's existing provisions to review the animal welfare laws. I have previously set out the functions of the committee. Can I reiterate what I have already said in response to the member for Nelson, that I undertake to seek AWAC's advice on the ban outcomes. That is a really good thing to do.

Ms WEBB - I am going to clarify, because I do not like being verballed. Thank you for providing that. What I did ask for was not that you seek the advice of AWAC but that you would request that AWAC reviews the impacts and outcomes. It is not just about getting their advice, but seek that they would review it. 'Review' would therefore mean that they would interact with people who were impacted by the change. I want to clarify what you mean when you say you are committing to getting advice from AWAC on this, that that means they will be doing a review that involves looking at the impact of the change on those who are affected by it. Otherwise that is not what I asked for. I want to be careful that you are agreeing to the same thing that I asked for.

Ms PALMER - I would expect the ban outcomes to consider the implications and any recommendations to further support dog welfare. I reiterate, we do not support this amendment.

[5.30 p.m.]

Ms FORREST - I acknowledge the Deputy Leader's comments about the review provisions that are ongoing in the Animal Welfare Act.

It is a bit of a shame in some respects, that perhaps we overlook our role in this place. We are the House of review. I keep saying and I know a lot of us keep saying that. We have parliamentary committees. We have Government Administration Committee B, who could actually undertake a review. We could call in witnesses, all the key stakeholders including the

people who the member for Mersey has been seeking to represent in their views here, and undertake a review ourselves, if for some reason the provisions of the Animal Welfare Act review provisions did not fit the bill.

I hope that the minister's commitment that she will actually get some advice from AWAC about this and to actually look at the impact will be sufficient. If it is not, then there is absolutely no reason why we should not undertake our role in this place, and review this ourselves. This is what we do. This is why we are here, and this is what we have committees for.

I am not sure that we actually need a separate review by the minister. With all due respect to the minister, who is here, that could be as narrow as you like. They may or may not consult the right people, according to our view of the world. Parliamentary committees are pretty powerful, and we should use them for these sort of purposes.

Yes, the minister will have to front up, so will all the people at the table. I am sure they are smiling thinking about the prospect right now. Also, the members of the community who are impacted by this, the little old lady with the big dog; the people who train dogs; the RSPCA and anyone else can have their say publicly in a forum that allows their views and ideas or suggestions to be contested.

It is a much more open process and we should be using that rather than handballing this off to the minister and letting the minister do it, when we have all of that power. Let us not forget what our role and function is in this place. We have these committees for this reason.

[5.33 p.m.]

Ms WEBB - One final comment to follow on from the member for Murchison's comments. She is absolutely correct. We can do that through our committee system here, and it is great when we utilise that system. We should utilise it more too.

The reality is we cannot do that for every issue and every element of every bill that goes through. It is entirely reasonable to expect the government of the day who is introducing a completely new policy position into legislation that is going to have an impact, we should expect them to review it. It is part of their job. Yes, it is part of ours, but it is definitely part of theirs. The parliament having a committee system does not alleviate the Government from its responsibility to appropriately review policy as part of a responsible policy cycle.

That is my view on it. I agree, but it does not alleviate the Government's responsibility.

Mr VALENTINE - I actually think that we can do both. If we put it in the bill, the Government does the review. If we are dissatisfied with the way the review has been conducted, then we can review that. We can actually say, well, we do not think it has been done correctly, and get them in through Committee B, as you say, Madam Chair, and undertake yet another examination of that process.

We can do both. I am happy to support the amendment.

Ms PALMER - I am going to reiterate what I have already said. I am completely satisfied with the Animal Welfare Advisory Committee, with the existing provisions to review animal welfare laws. That is what they do. I have laid out what the functions of the committee

are, and I have given an undertaking here on *Hansard* to seek AWAC's advice on the ban outcomes. As I said, I would expect the ban outcomes to consider the implications and any recommendations to further support animal welfare.

New Clause A negatived.

Title agreed to.

Bill reported without amendment.

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

First Reading

Bill received from the House of Assembly and read the first time.

ADJOURNMENT

[5.38 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - We are in the enviable situation of not needing a quorum call tomorrow as I have all the bills that I require, and the member for Hobart is very excited.

Mr President, I move -

> That at its rising the Council does adjourn until 11am on Tuesday 15 November, 2022.

Motion agreed to.

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

> That the Council do now adjourn.

The Council adjourned at 5.38 p.m.

Appendix 1

Tabled and incorporated into Hansard L·Hiscutt 10 NOV 2022 Q2

TASMANIA

LEGISLATIVE COUNCIL

SESSION 2022

NOTICE OF QUESTION

8 September 2022

I (**Mr *Valentine)*** tomorrow to ask the Honourable Leader of the Government —

With regard to midwives working in Tasmania's four major hospitals, can the Government please provide the following details for each hospital:

(1) total number of Birthrate Plus Hours worked in core Midwifery in the past 3 months and the number of those hours worked by midwives;

Answer:

As the Birthrate Plus direct care fulltime equivalent (FTE) summary is for the whole of maternity services, which at the Royal Hobart Hospital (RHH) is inclusive of the Midwifery Group Practice (MGP), Maternity Unit and the Women's Health Clinic, the data requested is not available.

THS North West delivers antenatal services, with birthing services delivered under a contractual arrangement with the North West Private Hospital. THS North West Antenatal Service collects Birthrate Plus Hours when required for benchmarking and therefore cannot report this for the last three months. THS North West only employs midwives. There are no Enrolled Nurses, Registered Nurses or Assistants in Nursing Positions within the Antenatal Service.

Figures for the Launceston General Hospital are as follows:

June – August	Normal Hours	Overtime Hours	Call back hours
Core (not MGP) midwives	13281.41	1784.08	33.5
Grade Five midwives	2794.50	329.84	13.25
Grade Six midwives	396	3	
NUM (Grade 7b)	448	3	
Non-midwifery hours (RN or EN)	459.20	16.5	

(2) number of vacancies within the Midwifery Group Practice (MG) Teams in July 2022 and the percentage this represents of the whole of the nursing workforce vacancies for the hospital for the same period;

Answer:

At Hospitals South the current Midwifery Group Practice (MGP) vacancies are 5.22 FTE (2.52 fix term and 2.7 permanent). This represents two (2) per cent of total nursing and midwifery vacancies.

The Launceston General Hospital has no vacancies within the MGP team.

In the North West, MGP had a vacancy of 3.65 FTE in July 2022, out of a total of 8.0 FTE. Within the THS Antenatal Service, there was a non-MGP vacancy of 1.74 FTE in July. This represented 67.7% of our vacancy rate.

(3) number of student midwives currently practising in the maternity unit and of those, the number of students paid for their first year of clinical placement hours;

Answer:

Tasmanian public hospitals support students from two university training programs:

- University of Southern Queensland (USQ) which offers a 2-year course and
- Charles Sturt University (CSU) which offers a fast-tracked one-year course.

USQ course: year one student placement is not paid. Students are remunerated when employed in a Registered Nurse Student Midwife position in year two.

CSU course: students are paid for the full year as Student Midwives for the fast-tracked course.

The employment models for RN midwifery students are currently being reviewed to create consistency and reduce any inequity.

Hospitals South

Seven (7) student midwives are currently practising in the maternity unit and of those, four (4) students are being paid during their first year of clinical placement.

Arrangements are as follows:

(1) USQ – RN Bachelor of Midwifery (2 year course)
   - First year – unpaid
   - Second year – paid 0.5 FTE – 2 x 16 week fixed term contracts

(2) Charles Sturt – RN Graduate Diploma of Midwifery (12 months)
   - Paid 0.6 FTE – 12 month fixed term contract

Hospitals North West

NW Integrated Maternity Service - Four (4) student midwives in the USQ program. There are two (2) second year students being paid by the THS and working across the THS Antenatal Service and NWPH Birthing Service. There are two (2) first year students working across the THS Antenatal Service and NWPH Birthing Service who are not paid for clinical hours.

Arrangements are as follows:

USQ – RN Bachelor of Midwifery (2 year course)

- First year – unpaid
- Second year – paid 0.5 FTE – 1 yr fixed term contract

Hospitals North

LGH - Four (4) first year USQ student midwives (2022 intake) and seven (7) second year USQ student midwives (2021 intake). There are no student midwives currently being paid for their first year clinical placement hours.

Arrangements are as follows:

USQ – RN Bachelor of Midwifery (2 year course)

- First year – unpaid
- Second year – paid 0.5 FTE – 1 yr fixed term contract

The employment models for RN midwifery students are currently being reviewed to create consistency and reduce any inequity.

(4) actual number of midwifery resignations in the past 3 months, and the percentage this represents of the midwifery workforce in the hospital;

Answer:

In the South, the number of midwifery resignations in the past 3 months consisted of one (1) midwife who was employed at 0.7 FTE. This resignation represents 0.7 per cent of the total midwifery workforce, by FTE, for Hospitals South. The number of midwives employed is approximately 160.

At the LGH, there was one retirement. No resignations.

In the North West, there has been one (1) resignation in the Antenatal Service in the past 3 months. This was a MGP midwife who worked 0.52 FTE. This equates to 2.47 per cent of the total midwifery workforce for THS NW.

(5) COVID leave statistics for midwives for July 2022; and

Answer:

In the South, there was one (1) midwife who was reported in the COVID leave statistics during the month of July.

At LGH, there were 17 midwifery shifts lost due to COVID in July (eight midwives).

In the North West four (4) permanent midwives and one (1) casual midwife accessed COVID related leave (sick or pandemic leave due to COVID positive or close contact). This equated to a total of 2.78 FTE or 13.22 per cent of the workforce in July 2022.

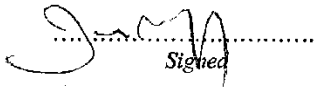
(6) number of backfilled midwifery positions for July 2022.

Answer:

Hospitals South did not employ agency staff to backfill midwifery positions in July. Only one agency staff was contracted during 2022 and they joined permanent employment with MGP last May.

In June-July LGH had 1.84 FTE of Agency midwifery backfill.

In the North West, there were two backfilled midwifery positions in July 2022. This was equivalent to 1.2 FTE



31 OCT 2022

Appendix 2

Tabled and incorporated into Hansard
L. Hiscutt
10. NOV 2022

QS
LHiscutt

QUESTION ON NOTICE

[5]

Question No. [number] of 25 October 2022

Legislative Council

ASKED BY: Hon Ruth Forrest MLC

ANSWERED BY: Leader of the Government in the Legislative Council, Hon Leonie Hiscutt MLC

QUESTION(s): With regard the recently announced funding arrangements for the proposed Marinus Link:

(1) What was the date of the Business Case that has guided this decision making?

(2) Has the Business Case been updated recently to factor in:
   (a) rising costs of materials;
   (b) availability of materials;
   (c) rising costs of labour; and
   (d) availability of labour?

(3) For the following time frames, identified separately, that is over the short, medium and long term (ie 10 years plus), will the proposal serve the best interests of Tasmania with regard to:
   (a) The impact on Hydro Tasmania, financially and operationally;
   (b) TasNetworks and the island transmission network;
   (c) The impact on Major Industries (MI's) through the regulatory process;
   (d) Power prices for residential customers;
   (e) Wind energy including power offtake agreements; and
   (f) Hydrogen power?

CA

(4) (a) Has a full risk assessment been undertaken for all stakeholders including:

(a) Hydro Tasmania;
(b) TasNetworks;
(c) Major industries;
(d) Residential customers;
(e) Commercial customers;
(f) Hydrogen energy proponents;
(g) Other renewable energy generators; and

(b) if so, will these risk assessments be made public; and

(c) if not, when will this occur?

ANSWER:

You have asked a range of questions on the recent Project Marinus and Battery of the Nation (BotN) announcements from the Australian, Victorian, and Tasmanian Governments on 19 October 2022. These announcements provide certainty on the post-Final Investment Decision (FID) arrangements for ownership, funding, and cost allocation for the projects, should a positive FID be taken.

The projects are still in the Design and Approvals phase and FID is planned for late 2024. For this reason, final business cases have not yet been (and cannot be) prepared as key project requirements are yet to be completed (e.g. approvals, tender processes, technical designs).

1. There have been a number of business case or reports over the course of recent years that have given confidence to the Tasmanian Government to continue with the design and approvals phase of this project, including:
   - Feasibility of a second Tasmanian interconnector – aka the Tamblyn Report 2017.
   - Initial Feasibility Report – 2019
   - Business Case Assessment Report – 2019
   - Regulatory Investment Test for Transmission – Project Specification Consultation Report (2019), Project Assessment Draft Report (2020), Project Assessment Conclusion Report (2021)
   - Australian Energy Market Operator Integrated System Plan (ISP), both the inaugural 2020 ISP and the most recent 2022 ISP.

Progression of the projects to the construction and operations phases is subject to a positive FID from the Boards of the respective energy businesses and from the Tasmanian Government as the Shareholder. The Tasmanian Government will decide on the final business cases for the projects individually and holistically to ensure that progression of the projects is in the best interests of Tasmania. Given the recent announcements, the Victorian and the Australian governments will also need to make decisions on the final business case for Marinus Link.

The Tasmanian Government will ensure that the basis for decisions at FID will be clearly and publicly articulated.

2. The final business case will be prepared for FID in late 2024 and will factor in all relevant Project elements at that time, including those you have mentioned and others such as having all necessary approvals, procurement contracts in place for execution and revisiting the cost benefit assessment for the Project.

   The implications of some of the issues you have raised e.g. 'the rising cost and availability of materials/labour' will only be known once tender processes are completed. The current project timeline will mean the cost of key components (converter stations and cables) will likely be known in mid-2023. The recent partnership agreed with the Australian Government has provided the project the requisite certainty to progress to those next steps.

3.

   a) Hydro Tasmania

   - Hydro Tasmania has advised that the BotN projects, enabled by Project Marinus, present the best commercial opportunity for business growth and will lead to increased revenues to the business, some of which would be expected to flow through to Tasmanians in the form of dividends.
   - Essentially the opportunity for the BotN projects is to target high priced events in the National Electricity Market which occur when coal exits given the need for firming of variable renewable energy.
   - The increased commercial opportunities from BotN will assist the business in maintaining the Capital Expenditure Program for existing and ageing assets and provide a stable, commercially viable future for the business.
   - Without Project Marinus, the BotN projects cannot proceed.

   b) TasNetworks

   - If Project Marinus proceeds, potential new generation and load is drawn to Tasmania and these parties will share in the costs of the new infrastructure.
   - Project Marinus is also likely to see significant growth in unregulated transmission developments (i.e. delivering transmission connections for new generators), which has been identified as a key driver of growth for the business into the future.

- There is also the possibility that TasNetworks may have an unregulated opportunity as a Renewable Energy Zone (REZ) constructor. The siting of REZ and the offering provided to generators who locate in them are still being developed but providing REZ transmission infrastructure more efficiently for generators may have a commercial upside.

- Without Project Marinus, the business will have lower growth in regulated and unregulated transmission developments.

c) Major industrials

- Project Marinus will unlock opportunities to support new major industries, including hydrogen and expansion of existing industries seeking to leverage off Tasmania's renewable credentials.

- Project Marinus is expected to attract significant new generation in Tasmania which will provide greater competition and contractual opportunities for existing and new entrant major industrials.

- Marinus also provides the opportunity to increase the state's energy "firming" capacity, which allow for large scale creation/expansion of load that cannot be sustained by variable renewable energy alone.

- There will be direct and indirect job opportunities from larger scale industrial load.

d) Power prices for residential customers

- Based on modelling undertaken by Marinus Link Pty Ltd, Tasmanian residential electricity bills will be lower than they otherwise would be following the construction of Project Marinus. This is because of downward pressure on wholesale energy prices arising from the national rollout of lower cost new renewables.

e) Wind energy including power offtake agreements

- Project Marinus is expected to unlock up to 3GW of additional electricity generation which would more than meet the Tasmanian Renewable Energy Target.

- Without Project Marinus, significant generation growth and load growth is unlikely to occur at the scale and timeframes currently envisaged.

- Given Tasmania's wind resource has some of the highest capacity factors in the country (which makes its cost per MW of generation lower). Marinus is expected to facilitate mainland retailers contractual offtakes with Tasmanian wind generators.

- It is understood that many Tasmanian wind proponents are in discussions with prospective load proponents (such as hydrogen producers), with a view to reaching commercial terms to offtake their generation.

f) Hydrogen energy proponents

- As indicated above, hydrogen proponents are in discussion with wind proponents.

- Without Project Marinus, significant load growth and generation growth is unlikely to occur at the scale and timeframes currently envisaged as there are constraints to the amount of new renewable energy that can be "firmed".

4. A full risk assessment will be prepared for FID as part of the final business cases for the projects. The risks will vary by owner, stakeholder and project.

   Private sector market participants will need to undertake their own risk assessments of their respective energy sector projects, many of which are contingent on Project Marinus or significant load proceeding.

   The Tasmanian Government will clearly and publicly articulate the reasons behind its FID.

   The Tasmanian Government will always put the best interests of Tasmania front and centre in considering a final decision for the projects.

APPROVED/NOT APPROVED

Hon Guy Barnett
Minister for Energy and Renewables

Date: 8/11/22